DOCUMENT RESUME

ED 215 007 UD 021 783

TITLE	Federal Nondiscrimination Regulations: A Procedural Compliance Handbook. Draft.
INSTITUTION	Governor's Committee on Employment of the Handicapped, Trenton, N.J.; Nevada State Dept. of Education, Carson City.
SPONS AGENCY	Department of Education, Washington, D.C.
PUB DATE	Apr 81
NOTE	148p.
EDRS PRICE	MF01/PC06 Plus Postage.
DESCRIPTORS	*Civil Rights Legislation; *Compliance (Legal); Elementary Secondary Education; *Equal Education; *Federal Regulation; Grievance Procedures; Information Sources; Institutional Evaluation; Legal Responsibility; Public Policy; Recordkeeping
IDENTIFIERS	*Elementary Secondary Education Act Title VI; Lau V Nichols; Office of Civil Rights Voc Educ Program Guidelines; Rehabilitation Act 1973 (Section 504); *Title IX Education Amendments 1972

ABSTRACT

This handbook is designed to provide educators with the procedures and resources necessary to achieve compliance with Federal nondiscrimination regulations. The components of procedural compliance are examined as follows: (1) designation of a responsible coordinator; (2) institutional self-evaluation; (3) notification of nondiscrimination policy; (4) recordkeeping; (5) adoption of specific grievance procedures; and (6) federal assurances. A final section of the handbook contains a directory of State and Federal resources. A chart describing all areas of Federal nondiscrimination regulations appears at the beginning of section two and is followed by a grid of the procedural requirements for each regulation. A diagram outlining the evolution of Federal civil rights' mandates, a comprehensive procedural compliance check list, and an outline of the deadlines for section 504 compliance are also included. Each procedural regulation is reviewed in terms of its application to Title VI (race and national origin), Title IX (sex), Section 504 (handicap), and the Office of Civil Rights Guidelines for Vocational Education. Since the Lau remedies for students with limited English proficiency have some regulatory application to educational institutions, they are also covered as an adjunct to Title VI. (Author/JCD)

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FEDERAL NONDISCRIMINATION REGULATIONS:

A PROCEDURAL COMPLIANCE

HANDBOOK

BEST COPY AVAILABLE

DEVELOPED BY
NEVADA DEPARTMENT OF EDUCATION

In Conjunction With:

Project Equity,
National Origin Desegregation Assistance Center, and
Governor's Committee on Employment of the Handicapped

April 1981

UD021783

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SECTION I

INTRODUCTION

INTRODUCTION

This handbook is designed to provide educators with the materials needed to achieve procedural compliance with federal nondiscrimination regulations. Procedural compliance refers to those initial procedures a school district is required to carry out in order to sign federal assurances of nondiscrimination.

Such compliance is often labeled "minimal" because it establishes the foundation for eliminating discrimination in all district policies, procedures, and programs. The basic components of procedural compliance are outlined below:

1. Designation of a Responsible Coordinator
2. Institutional Self-Evaluation
3. Notification of Nondiscrimination Policy
4. Adoption of Specific Grievance Procedure
5. Federal Assurance

Another procedure that is covered in this handbook and which is related to the basic five is record keeping. Obviously, these procedures do not guarantee nondiscrimination, but they create the foundation for achieving it.

A chart describing all areas of federal nondiscrimination regulations appears at the beginning of "Section II." This workshop is concerned only with four of these areas: Title VI (race and national origin), Title IX (sex), Section 504 (handicap), and the Office of Civil Rights (OCR) Guidelines for Vocational Education. The originating legislation for each regulation is spelled out at the top of the chart. The chart is followed by a grid of the procedural requirements for each regulation. The grid is followed by a diagram outlining the evolution of federal civil rights' mandates and a comprehensive procedural compliance checklist. In addition, the section includes an outline of the deadlines for Section 504 compliance.

This handbook and the workshop that accompanies it are organized roughly along the same lines as the procedural compliance grid. Each procedural regulation is reviewed in terms of its application to Title VI, Title IX, Section 504, and the OCR Voc/Ed Guidelines. Since the LAU Remedies for students with limited English speaking skill have some regulatory application to educational institutions, they are also covered as an adjunct to Title VI. A quick overview of the "Table of Contents" will illustrate this pattern of organization. For instance, "Section III, Coordinator Responsibilities," provides sample lists of the basic responsibilities of coordinators in bilingual education (Title VI), sex discrimination

(Title IX), handicap discrimination (Section 504), and vocational education discrimination (OCR Voc/Ed Guidelines). The order in which procedures are presented differs from the arrangement of the gird and follows the order outlined at the beginning of this "Introduction."

While sample lists of responsibilities are given for bilingual and vocational education, as the grid shows, a designated person is not required by Title VI or the OCR Voc/Ed Guidelines. These lists are offered in the spirit of encouraging educational institutions to coordinate nondiscrimination procedures in these areas. Since such procedures exist in the areas of sex and handicap, it seems logical and fair to institute them in the areas of race, color, and national origin. If and when a bilingual regulation is developed, such procedures will undoubtedly be included within it. We recognize, however, that federal nondiscrimination regulations have placed a definite burden on the available resources of educational institutions and that such an affirmative posture might strain these resources even further. Even though we realize these constraints, sample procedures have been included for the areas in which they are not required. The grid clearly shows when such procedures are required or not required.

The procedures and samples contained in this handbook are presented as "reasonable" interpretations of the various regulations. Care has been taken to limit procedures to the specific requirements of the regulations and to develop procedures that are both comprehensive and helpful. While many of the samples are drawn from sources supported by federal grants, official sanction by the U.S. Department of Education or the Office of Civil Rights is not to be inferred. Instead, these "interpretations" represent the best efforts of people working in the field to provide districts and community colleges with helpful guidelines.

Achieving educational equity in the areas listed above is a significant undertaking. This handbook has been compiled only through the coordinated efforts of individuals with knowledge and specialization in each area. A team approach to coordinating and reinforcing educational equity is modeled in the workshop panel because such an approach seems most helpful in the educational setting. It allows pooling of knowledge, simplification of procedures, and elimination of duplicated effort. Furthermore, in an area such as the OCR Voc/Ed Guidelines, this type of approach seemed unavoidable. This workshop is presented in the hope that it will help you explore the usefulness of such coordination and at the same time simplify it.

SECTION II

OVERVIEW OF FEDERAL NONDISCRIMINATION REGULATIONS

FEDERAL LAWS AND REGULATIONS CONCERNING DISCRIMINATION IN EDUCATIONAL INSTITUTIONS[1]

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Legislation	Title VI of the Civil Rights Act of 1964	Title IX of the Education Amendments of 1972	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and by the Pregnancy Discrimination Act of 1978	Equal Pay Act of 1963 as amended by the Education Amendments of 1972	Executive Order 11246 as amended by 11375 and 12086	Section 504 of the Rehabilitation Act of 1972	Vocational Education Guidelines for Eliminating Discrimination and Denial of Services on the basis race, color, national origin, sex & handicap
What is Covered	All programs or activities receiving or benefitting from federal financial assistance	All educational institutions receiving or benefitting from federal financial assistance	All institutions with 15 or more employees	All institutions	Are institutions with federal contracts over $10,000	Any programs and activities receiving or benefiting from federal financial assistance	Recipients of federal funds offering or administering vocational education programs
What is Prohibited	Discrimination on the grounds of race, color, national origin	Discrimination on the basis of sex	Discrimination in employment on the basis of race, color, religion, national origin or sex	Discrimination in salaries on the basis of sex	Discrimination in employment on the basis of race, color, sex, religion, national origin	Discrimination on the basis of handicap	Discrimination on the basis of race, color, national origin, sex or handicapping condition
Which Agency Enforces	U.S. Office for Civil Rights	U.S. Office for Civil Rights	Equal Employment Opportunity Commission	Equal Employment Opportunity Commission	U.S. Department of Labor	U.S. Office for Civil Rights	U.S. Office for Civil Rights

Adapted by Sheryl Denbo

[1] Training and Legal Resources Notebook, Regional Conferences on Compliance and Training for Title IV Grantees, compiled by Joyce Kaser, Sheryl Denbo, and Marlene Ross. A Draft Compilation. Draft developed by Sheryl Denbo, Denbo Associates, Washington, D.C. 1980

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Grid #1
Federal Non-discrimination Regulations and Guidelines
A Comparison of Coverage

Requirement Categories	Title VI of the Civil Rights Act of 1964 Coverage	LAU Remedies Coverage	Title IX of the Education Amendment of 1976 Coverage	Section 504 of the Rehabilitation Act of 1973 Coverage	OCR Vo/Ed Guidelines 1979 Coverage
I. Procedural Requirements					
A. Assurances	80.4 (d)	None	86.4	84.5	None
1. Assuring that subcontractors do likewise	None	None	86.6(c)	84.4(b)(4)	VII(A)&(B)
B. Notification	80.6(d)	VII	86.9	84.8 **84.32	IV(Q)
C. Coordination	None	None	86.8(a)	84.7(a)	None
D. Grievance Procedure	None	None	86.8(b)	84.7(b)	None
E. Self-evaluation	None	None	86.3(c)&(d)	84.6(c)	None
F. Transition plan	None	I & II	86.16&86.17	84.22(e)	None
G. Record keeping	80.6(b)&(c)	None	86.3(d)	84.6(c)(2)& 84.22(a)	II b
H. Methods of Administration (MOA)	80.4(b)	None	None	None	II(C)

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[1] Training and Legal Resources Notebook, Regional Conferences on Compliance and Training for Title IV Grantees, compiled by Joyce Kaser, Sheryl Denbo, and Marlene Ross. A Draft Compilation. 1980. Draft developed by Sheryl Denbo, Denbo Associates, Washington, D.C.

EMERGING TRENDS IN THE EVOLUTION OF FEDERAL CIVIL RIGHTS MANDATES[1]

- INCREASED SPECIFICITY OF MANDATES BASED UPON CASE LAW AND ADMINISTRATIVE EXPERIENCE

- CIVIL RIGHTS LEGISLATION BEGAN AS A PURE NONDISCRIMINATION MODEL - - GUARANTEEING EQUAL TREATMENT UNDER THE LAW - - IT IS INCREASINGLY MOVING TOWARD AFFIRMATIVE MODELS WHICH FUND PROGRAMS TO MEET SPECIAL NEEDS OF GROUPS CREATED BY PAST DISCRIMINATION

- INCREASED EMPHASIS ON EVALUATION AND ACCOUNTABILITY MEASURING BOTH THE EFFECTIVENESS OF PROGRAMS AND THE DIAGNOSIS OF STUDENT NEEDS

- COORDINATION IN ADMINISTERING NONDISCRIMINATION AND PROGRAM REQUIREMENTS OF CIVIL RIGHTS MANDATES

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[1] Training and Legal Resources Notebook, Regional Conferences on Compliance and Training for Title IV Grantees compiled by Joyce Kaser, Sheryl Denbo, and Marlene Ross. A Draft compilation. 1980
Draft developed by Sheryl Denbo, Denbo Associates, Washington, D.C.

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NONDISCRIMINATION REGS.	HYBRID[1]	PROGRAMMATIC REGS.
• PROVIDES FOR EQUAL TREATMENT • PREVENTS EXCLUSION		• MEETING SPECIAL NEEDS • PROVIDE PROGRAM FUNDS

RACE

TITLE VI OF CIVIL RIGHTS ACT OF 1964 - Regulations Effective January 30, 1975

Makes it illegal to discriminate on the basis of race, color, national origin in programs receiving federal financial assistance

EMERGENCY SCHOOL AID ACT OF 1972 (Title VI of the Elementary and Secondary School Act, As Amended - Final Regulations Effective Feb. 6, 1973

Provides monetary incentives to school districts which are voluntarily reducing minority group segregation

SEX

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 - Regulations effective June 4, 1975

Makes it illegal to discriminate on the basis of sex in programs receiving federal financial assistance

TITLE II OF THE EDUCATION AMENDMENTS OF 1976, Amends Vocational Education Act of 1968 - Regulations Effective October 3, 1977

Provides funds for full-time personnel to assist in eliminating sex discrimination, sex bias, and sex stereotyping

WOMEN'S EDUCATIONAL EQUITY ACT OF 1974, As amended in 1978 - Final Regulations effective April 4, 1980

Provides funds for developmental demonstration and dissemination projects to help educational equity

HANDICAP

SECTION 504, REHABILITATION ACT OF 1973 - Regulations effective May 4, 1977

Makes it illegal to discriminate on the basis of disabling conditions in programs and activities receiving federal financial assistance →

EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975 - Regulations effective August 23, 1977.

Provides funds for special education programs to handicapped children and youth

TITLE II OF THE EDUCATION AMENDMENTS OF 1976

← Provides funds for vocational education programs servicing handicapped persons.

NATIONAL ORIGIN

← **LAU REMEDIES** Task Force Findings specifying remedies available for eliminating past educational practices ruled unlawful - Published summer of 1975

BILINGUAL EDUCATION ACT, Title VI of the Elementary Act, as amended in 1978- Regulations effective April 4, 1980

Provides funds for bilingual education programs

[1] Training and Legal Resources Notebook compiled by Joyce Kaser, Sheryl Denbo, and Marlene Ross. A Draft. Draft developed by Sheryl Denbo, Denbo Associates, Wash., D.C.

504

COMPLIANCE OUTLINE

Due Date	Product	Regulation Index
July 5, 1977	DEADLINE FOR ASSURANCE OF COMPLIANCE Form HEW 641	84.5
September 2, 1977	NOTIFICATION OF NON-DISCRIMINATION 1. must specify 504 2. must be in form disabled can read	84.8
December 2, 1977	TRANSITION PLAN (if structural changes are necessary) 1. identify physical obstacles 2. describe methods of accessibility 3. specify schedule of steps 4. if longer than one year identify steps for each year 5. at minimum must follow ANSI standards 6. indicate person responsible for implementation	84.22
June 2, 1978	SELF-EVALUATION A. General 1. evaluate existing policies and practices with assistance of handicapped persons 2. modify as a result 3. take remedial steps to eliminate effects of discrimination 4. keep on file for three years 5. include: a. list of persons consulted b. description of areas examined and problems identified c. description of modifications made and remedial steps taken 6. designation of coordinator 7. adoption of grievance procedure which incorporates due process a. notification b. examination c. impartial hearing d. review procedure	84.6 84.7
September 1, 1978	B. Specific Subpart D 1. identify and locate children annually 2. annually notify handicapped persons/parents of duty under this subpart 3. provide free appropriate public education, e.g. individualized plan	 84.32 84.33

Due Date	Product	Regulation Index
	4. evaluation and placement procedures: must occur before placement	84.35
	a. test validated for specific use	
	b. administered by trained personnel	
	c. test reflect achievement/ aptitude	
	d. multifactored assessment	
	e. documentation of information	
	f. placement in conformity with least restrictive environment	84.34
	5. placement in private facility monitor private school compliance through procedures such as written reports, on-site visits, parent questionnaires	84.33
	6. re-evaluation--must comply with procedures listed above	84.35
	7. adoption of grievance procedure which incorporates due process	84.36
	a. notification	
	b. examination	
	c. impartial hearing	
	d. review procedure	

PROCEDURAL COMPLIANCE CHECKLIST*

	Yes	No
1. Designation of Responsible Coordinator		
a) Title VI (Nothing Required)		
b) Title IX		
Has an employee(s) been designated as the person(s) responsible for coordinating and monitoring activities necessary for compliance with Title IX?	___	___
Have employees and students been notified of the designation of the responsible person(s) and her/his office address(es) and telephone number(s)?	___	___
Has a policy directive been developed outlining the job responsibilities of the designated person(s) and the procedures for involvement and coordination of her/his job activities with other staff activities and district programs?	___	___
c) Section 504		
Has the agency identified at least one person to coordinate its efforts to comply with 504?	___	___
(Not Required) Has a policy directive been developed outlining the job responsibilities of the designated person(s) and the procedures for involvement and coordination of her/his job activities with other staff activities and district programs?	___	___
d) OCR Voc/Ed Guidelines (Nothing Required)		
2. Self-Evauation and Transition Plans		
a) Title VI (Nothing Required)		

*This checklist was complied partially from items in Complying With Title IX: The First Twelve Months, Shirley McCune and Martha Mathews, and from items in A Technical Assistance Manual for Complying With Civil Rights Requirements in Vocational Education, developed for the California State Department of Education and the Chancellor's Office, California Community Colleges.

b) Title IX

	Yes	No
Has a plan outlining the scope and procedures to be followed for institutional self-evaluation and specifying the responsibilities of staff for data collection and review been developed?	___	___
Have forms, procedures and timelines been developed to ensure involvement of all institutional or agency units (schools, departments, colleges) in the self-evaluation process?	___	___
Has a procedure been developed for the review of all self-evaluation data to ensure that all necessary modifications and the development of systematic plans for implementing necessary remedial steps are accomplished?	___	___
Has a directive been issued requiring the maintenance of descriptions of all modifications and remedial steps on file for a three-year period (July 1976--July 1979)?	___	___

c) Section 504

Has the agency evaluated its existing policies and practices with assistance of handicapped persons?	___	___
Has the agency modified its policies and practices which do not meet the requirements of this part?	___	___
Has the agency taken appropriate steps to eliminate the effects of any discrimination that has resulted?	___	___
Has self-evaluation been available for public inspection for three years following its completion?	___	___
Does the self-evaluation list the interested persons consulted; describe the areas examined and problems identified; describe any modifications made or remedial actions taken?	___	___

Transition Plan

Has the agency reviewed each program or activity to determine, if when viewed in its entirety, the program is accessible to handicapped persons?	___	___
Has the agency completed nonstructural changes?	___	___
Has the agency developed a transition plan for structural changes with the assistance of handicapped persons?	___	___
Has the plan been made available for public inspection?	___	___
Does the plan at a minimum identify physical obstacles; describe in detail, the methods that will be used to make the facility accessible; specify the schedule to achieve full program accessibility; indicate the persons responsible for implementing the plan?	___	___

	Yes	No
d) OCR Voc/Ed Guidelines (Not required. The Nevada Department of Education, however, has been mandated to monitor all district and community college vocational education programs on an on-going basis for compliance with the May 1979 OCR Voc/Ed Guidelines. In this role, the Department has disseminated a self-evaluation checklist to help evaluate policies, procedures, and programs prior to desk audit review and possible site review if such a need is indicated by the desk audit review.)	____	____

3. Notification

a) Title VI

Has notice been given to participants, beneficiaries, and other interested persons of the recipient's policy of non-discrimination on the basis of race, color, or national origin and the provisions of Title VI as they apply to the recipient's program in the manner prescribed by U.S. Department of Education.	____	____

b) Title IX

Has a policy notification been developed containing:

a statement of institutional/agency responsibility for compliance with Title IX requirements for nondiscrimination in education programs and employment?	____	____
a statement that any inquiries regarding Title IX and its application may be referred to the employee designated with responsibility for coordinating compliance (phone and address included) or to the Director of Office for Civil Rights, US Department of Education (address).	____	____
Have general guidelines been disseminated to inform staff of the implications of the nondiscrimination policy and its relationship to their job responsibilities?	____	____

Has an initial notification of policy been made to:

students?	____	____
parents of elementary and secondary students?	____	____
applicants for admission?	____	____
admissions recruitment representatives?	____	____
employees?	____	____
applicants for employment?	____	____
sources of referral for employment?	____	____
employment recruitment representatives?	____	____
unions or professional organizations holding collective bargaining or professional agreements with the institution or agency?	____	____

	Yes	No
b) Title IX, continued		
Has continuing notification of policy been made to:		
new students?	___	___
parents of new elementary and secondary students?	___	___
new employees?	___	___
Has notification of the policy been published in:		
local newspapers?	___	___
newspapers or magazines produced by the institution or agency, by students or by alumni groups?	___	___
memoranda or other written communication distributed to every student and employee?	___	___
Has a procedure been developed to ensure ongoing publication of the policy of nondiscrimination on the basis of sex in:		
course announcements?	___	___
bulletins?	___	___
catalogs?	___	___
application forms?	___	___
student recruiting materials?	___	___
employee recruiting materials?	___	___
Has a responsibility for publications review been assigned to ensure that institutional or agency publications do not suggest, by text or illustration, differential treatment of applicants, students or employees on the basis of sex except when permitted by the Regulation?	___	___
c) Section 504		
Has the agency notified participants, beneficiaries, applicants and employees that it does not discriminate on the basis of handicap?	___	___
Has the notice been provided in a form people with impaired vision or hearing can read?	___	___
Has the notice been provided to unions or professional organizations holding collective bargaining or professional agreements?	___	___
Does the notice identify the coordinator?	___	___

	Yes	No
c) Section 504, continued		
Where appropriate, does the notice state that the agency does not discriminate in admission to, or treatment or employment in, its programs and activities?	___	___
Has the agency included any of these methods for initial and continuing notice: posting of notices; publication in newspapers and magazine, placement of notices in recipient's publication, and distribution of memoranda or other written communications?	___	___
Has the agency included its 504 policy statement in recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants or employees?	___	___
d) OCR Voc/Ed Guidelines		
Prior to the beginning of each school year, does your district/school advise students, parents, employees, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap?	___	___
Is this notice available to persons with limited English language skills in the community's own language?	___	___
Is this notice available to persons who are visually or hearing impaired?	___	___
Does this notice include the name, address, and telephone number of the person designated to coordinate Title IX and Section 504 compliance activity?	___	___
Does this notice contain a brief summary of program offerings and admission criteria, if such criteria exist?	___	___
Does this notice appear in:		
local newspapers?	___	___
school publications?	___	___
other media?	___	___
4. Grievance Procedure		
a) Title VI (not required)		
b) Title IX		
Have grievance procedures been developed or adapted for the handling of student complaints alleging violations of Title IX?	___	___

	Yes	No
b. Title IX, continued		
Have grievance procedures been developed or adapted for the handling of employee complaints alleging violations of Title IX?	___	___
Have administrators and employees been fully apprised of the procedures to be utilized in the handling of grievances related to possible Title IX violations in education programs, the treatment of students or the policies and practices covering employment in order to understand the informal level of resolution of such student and employee grievances?	___	___
c. Section 504		
Has the agency developed a grievance procedure that incorporates appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part?	___	___
d) OCR Voc/Ed Guidelines (Not Required)		
5. Recordkeeping		
a) Title VI		
Has data been compiled and sumitted for the annual Civil Rights Survey?	___	___
Has racial and ethnic data showing the extent to which members of minority groups participate in and benefit from federally assisted programs been compiled and recorded?	___	___
Has such racial and ethnic data been made available for public inspection?	___	___
b) Title IX		
Has the agency maintained a record of its notice?	___	___
Has the agency maintained its self-evaluation for public inspection for at least three years after it was initially completed?	___	___
Has the agency kept records describing any modifications made or remedial actions taken for at least three years after the initial self-evaluation was completed?	___	___
(Not Required) Has the agency kept records of all Title IX grievances, complaints, and Letters of Findings, with whatever documents that describe their resolution?	___	___

	Yes	No
c) Section 504		
Has the agency maintained a record of its notice?	____	____
Has the agency maintained its self-evaluation for public inspection?	____	____
Has the agency maintained its transition plan for public inspection?	____	____
d) OCR Voc/Ed Guidelines		
Is the agency collecting the following data to be submitted to the Department of Education for desk audit review:	____	____
Vocational Education Data System (VEDS) report?	____	____
program evaluations conducted by the State in vocational education?	____	____
monitoring of programs conducted by the Consultant, Equal Opportunities in Vocational Education (Sex Equity Consultant)?	____	____
monitoring and evaluation reports for vocational education programs for the handicapped and disadvantaged?	____	____
copies of the Elementary and Secondary Civil Rights Survey forms collected by the Office for Civil Rights?	____	____
copies of the local vocational education plans funded by P.E. 94-482?	____	____
copies of Title IX and Section 504 self-evaluations and/or action plans listing corrective and/or remedial action which is needed as a result of those self-evaluations?	____	____
copies of student handbooks, course description booklets, class schedules, and other promotional materials utilized by your school to promote vocational education?	____	____
a copy of the annual notification informing students and the public regarding equal access in vocational education?	____	____
information derived from complaints or reports from consumer groups, public agencies, parents, or students if available?	____	____
Letters of Findings issued by OCR which were submitted to the Department?	____	____
6. Federal Assurance		
a) Title VI		
Have the institution's or agency's efforts toward achieving compliance with Title VI been sufficiently well-documented to provide information necessary for assurance statements which must accompany all applications for Federal assistance?	____	____

	Yes	No
a) Title VI, continued		
Has your district/school filed Assurance Form #441 with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title VI of the Civil Rights Act of 1964?	___	___
b) Title IX		
Have the institution's or agency's efforts toward achieving compliance with Title IX been sufficiently well-documented to provide information necessary for assurance statements which must accompany all applications for Federal assistance?	___	___
Has your district/school filed Assurance Form #639 with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title IX of the Education Amendments of 1972?	___	___
c) Section 504		
Have the institution's or agency's efforts toward achieving compliance with Section 504 been sufficiently well-documented to provide information necessary for assurance statements which must accompany all applications for Federal assistance?	___	___
Has your district/school filed Assurance Form #641 with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Section 504 of the Rehabilitation Act of 1973?	___	___
d) OCR Voc/Ed Guidlines (Not Required)		

SECTION III

COORDINATOR RESPONSIBILITIES

COORDINATOR RESPONSIBILITIES IN BILINGUAL EDUCATION

District Coordinator Functions

1. Assist in the development or revision of Comprehensive Educational Plans for Lau Compliance.

2. Assist requesting schools with identification, development, modification, and/or selection of instruments to be used for assessing the educational needs of the district related to Lau Compliance.

3. Assist requesting schools in the development and implementation of staff training plans for teachers and paraprofessionals involved in the implementation of Comprehensive Educational Plans for Lau Compliance.

4. Assist requesting districts in the development and implementation of staff training plans for administrators, specialists, parents, and communities.

5. Assist in the development of a plan and timeline for implementation of the Comprehensive Educational Plan for Lau Compliance.

6. Assist in the development and coordination of district support services as needed to provide services in 1-4 above.

7. Serve as an interface between LEA's, IHE, BIA, and NODAC centers.

8. Assist in modification of administrative structures or procedures which includes Lau vs. Nichols and its implications; grievance procedures; staff recruitment; and assignment procedures; assessment and development of data management systems to support language prescriptions and implementation of desegregation plans; development of student assignment plans; and teacher/teacher aide collaborative training.

9. Revision or development of curriculum materials, materials displays and materials evaluation.

10. Preparation of ESAA and other bilingual applications.

11. Coordinate staff training in ESL instruction including the diagnosis of student needs in language.

12. Coordinate staff training in bilingual training methods and strategies.

13. Design and implementation of community relations programs which include the identification and utilization of community resources; assistance in methods in working with parents and community; presentation to parents about Lau vs. Nichols decision; parental training for increased school and community interaction; and training of instructional staff work with parents and community.

14. Others as needed and requested.

RESPONSIBILITIES OF TITLE IX COORDINATOR

FOR STUDENT ADMISSIONS AND PROGRAMS AND FOR EMPLOYMENT

* Notification of all new students, parents of new elementary and secondary students, new employees, and sources of referral for student admission of the nondiscrimination policy.

* Notification of all contractors or entities providing benefits or services to students and employees (e.g., medical insurance plans, cooperative employment programs, staff benefits, etc.) of the agency nondiscrimination policy.

* Notification of labor or professional organizations holding contracts with the institution or agency of the nondiscrimination policy and the Title IX requirement that they be equal opportunity employers.

* Notification of sources of referral for employment of the nondiscrimination policy.

* Development of a grievance procedure for the prompt and equitable resolution of discrimination complaints related to student admissions, programs, and employment.

* Administration of complaints and grievances regarding sex discrimination in regard to student admissions and programs and to employment practices and policies.

* Coordination of the institutional self-evaluation with respect to student admissions and programs and to employment, necessary policy modifications, and specifications of remedial steps for elimination of the effect of past discrimination.

* Provision of assistance to staff in the implementation and monitoring of corrective and remedial actions to achieve compliance with Title IX requirements for student admissions, student programs, employment practices and policies.

* Preparation of regular reports for administration, governance, students, community groups, labor and professional organizations, and other interested groups concerning identified discriminatory practices, violations of non-discrimination policies, grievances filed regarding student admissions, student programs, employment policies, and employment practices and their resolution, and the implementation of corrective measures.

* Maintenance of records for the evaluation and reporting of compliance efforts.

* Maintenance of relationships with student groups, faculty and staff, community groups, interested individuals, sources of referral and recruitment of employees, labor and professional organizations, and other relevant groups, for the interpretation and dissemination of nondiscrimination policies and procedures in student admissions and programs and in employment practices and policies.

COORDINATOR RESPONSIBILITIES

SECTION 504

504
§84.7

A recipient that employs fifteen or more persons shall designate at least one person to coordinate its efforts to comply with this part.

P.L. 94-142

No regulatory reference.

Sample List of Responsibilities Under 504*

- Conduct or coordinate self-evaluation required by §84.6(c).
- Develop and implement grievance procedure required by §84.7(b).
- Develop and disseminate notice required by §84.8.
- Develop and implement transition plan for program accessibility as required by §84.22.
- Develop and disseminate notice as required by §84.22(f).
- For agencies to which Subpart D - preschool, elementary and secondary education applies - develop and implement a procedure to identify and locate every qualified handicapped person residing in the recipient's jurisdiction and is not receiving a public education, and take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under Subpart D.
- Provision of assistance to staff in the implementation of the requirements under 504.
- Administration of complaints and grievance.
- Maintenance of records.

*The responsibilities outlined above address activities for which the implementation timeline has already passed. The prime concern of the coordinator would be to assess the status of each requirement and proceed accordingly.

OCR VOC/ED GUIDELINES
RESPONSIBILITIES TO BE CARRIED OUT BY THE VOCATIONAL
DIRECTOR IN PREPARATION FOR MOA COMPLIANCE

1. Notification of desk audit review will be received by September 1.

2. Information to be supplied to the Department within 30 days following notification of the desk audit review.

   ☐ 1. Vocational Education Data System (VEDS) Report;

   ☐ 2. Program evaluations conducted by the State in vocational education;

   ☐ 3. Monitoring of programs conducted by the Consultant, Equal Opportunities in Vocational Education (Sex Equity Consultant);

   ☐ 4. Monitoring and evaluation reports for vocational education programs for the handicapped and disadvantaged;

   ☐ 5. Copies of the Elementary and Secondary Civil Rights Survey forms collected by the Office for Civil Rights;

   ☐ 6. Copies of the local vocational education plans funded by P.L. 94-482;

   ☐ 7. Copies of Title IX and Section 504 self-evaluations and/or action plans listing corrective and/or remedial action which is needed as a result of those self-evaluations;

   ☐ 8. Copies of Student Handbooks, Course Description Booklets, Class Schedules, and other promotional materials utilized by your school to promote vocational education;

   ☐ 9. A copy of the annual notification informing students and the public regarding equal access in vocational education;

   ☐ 10. Information derived from complaints or reports from consumer groups, public agencies, parents, or students if available; and

   ☐ 11. Letters of Findings issued by OCR which were submitted to the Department.

   ☐ 12. Other: _____

   _____

3. Notification of review results will be received within 30 days following submission of the requested materials.

4. Notification of an on-site review will be received by January 1. Areas to be reviewed will be identified in the notification.

5. On-site reviews will be conducted by May 1.

6. Notification of on-site review results will be supplied within 30 days following the review.

7. If there are still areas of non-compliance, a voluntary compliance plan must be developed.

8. The voluntary compliance plan is to be received by the Department no later than 90 days following receipt of the written report noting the violations found during the on-site review.

9. Voluntary compliance plan accomplishments will be reported to the Department quarterly.

10. Documentation that violations have been remedied will be provided to the Department by the local school district.

SECTION IV

SELF-EVALUATION
AND
TRANSITION PLANS

TITLE VI BILINGUAL SELF-EVALUATION

OUTLINE FOR A COMPREHENSIVE EDUCATION PLAN

The attached outline is offered as a basic approach for a Comprehensive Education Plan (CEP) that will not only address itself to CRA, 1964, Title VII requirements including Lau, but hopefully will accentuate quality in an educational setting.

Although this outline was originally intended as assistance for ESAA school districts it was developed further and could be useful to school districts who are developing a CEP for other than ESAA eligibility reasons.

The agencies listed below were involved in several work sessions as the outline was developed. One of the sessions included representatives from OCR, Regions VI and IX.

The outline is purposely general and flexible to allow for school districts to utilize their own uniqueness and still meet basic requirements.

In this outline "Lau Remedies" refers to the Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau Vs. Nichols document accepted and enforced by OCR.

The Lau Remedies and the May 25, 1970 memo are also used with this outline since reference is made to those documents throughout.

I. District-Wide Advisory Committees

Adequate provisions for minority participation on the committee and adequate community input and review. This should apply to Advisory Committees under all federal projects.

II. Needs Assessment and Priority Settings

A. Inventory current curriculum, faculty capabilities, existing federal programs, existing state and local programs and funds, language cultural educational background and needs of students, current physical facilities, community resources, available evaluation data (current and applicable).

1. Language Assessment

A. Survey all students to determine home or primary language use Lau Remedies criteria. Survey forms available from SEA, Lau or NODAC. Lau Remedies document also available from the above sources.

B. Determine the linguistic proficiency of those students identified above and categorized as follows:

1. Monolingual other (than English)
2. Predominantly other
3. Bilingual
4. Predominantly English
5. Monolingual English

2. Determine Achievement levels of above students (See pp. 10, 11, and 22 of Lau Remedies, Also attachment A of this outline, pp. 4-5)

B. Draw up set of priorities based on identified needs and resources.

III. A. Restructure curriculum to meet the identified multilingual-multilingual needs of the students.

1. Describe the program(s) you will prescribe for students of limited English-speaking ability (LESA) identified in the language assessment. Provide for the cognitive and affective domains. (pp. 4 - Lau Remedies).

2. Additional innovative initiatives by the district, or additional items to meet specific identified needs. Alternative programs aside from those suggested in the Lau Remedies but which fill the achievement criteria.

3. Time lines, evaluation designs, staffing, etc., can be incorporated in this section of the CEP or as separate components addressing the total CEP.

B. Eliminate discriminatory class assignments, ability grouping and special education grouping (see pp. 13, 18 - Lau Remedies and other regulations).

C. Adopt affirmative action plan to hire needed multilingual-multicultural and minority teachers and administrators. Document recruiting efforts, transfers, reassignments, etc., (pp. 17 - Lau Remedies and other regulations).

D. Develop training program to bring present staff into position to meet the assessed needs. Outline such a program, i.e., when, what (content), duration of training, by whom, participants, etc., (see pp. 15-17 - Lau Remedies).

E. Provide for orientation and involvement of secondary school students in the program.

F. Provide notification for parental involvement (see pp. 19 - Lau Remedies).

IV. Evaluation (see pp. 20 - Lau Remedies)

A. Provide for ongoing evaluation by components, including pre and post testing evaluations and formative assessment of programs for needed modification.

V. Implementation and Reporting

A. Set up reasonable and reliable goals and timetables. Implementation of a comprehensive education plan approved by Title VI may take place over a reasonable period of time, with immediate implementation of some parts and more gradual implementation of others, taking into account the particular item in question, the resources of the district, and the unique characteristics of the district.

B. Reporting . . . (see pp. 20 - Lau Remedies)

CEP must be officially supported by the district's School Board.

ELEMENTARY GRADES

STEP 1
IDENTIFICATION
Students whose "primary" or "home" language is other than English

STEP 2
ASSESSMENT
Linguistic proficiency of students whose "primary" or "home" language is other than English

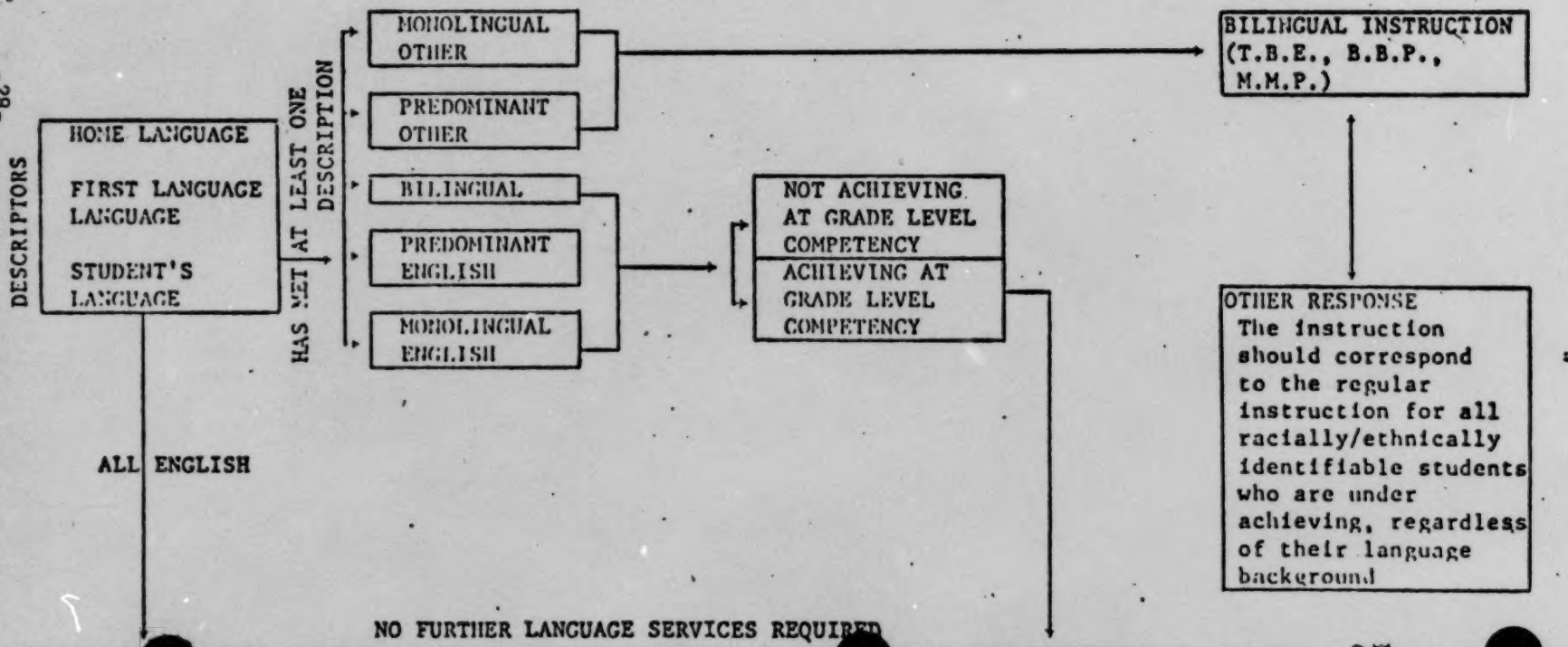
STEP 3
DIAGNOSIS
Achievement levels of students whose "primary" or "home" language is other than English

STEP 4
PRESCRIPTION
Prescribed programs for students whose "primary" or "home" language is other than English

ASSESSMENT CRITERIA

2 of 3, 3rd to validate

1. HOME LANGUAGE
2. LANGUAGE USED BY STUDENT IN THE HOME
3. LANGUAGE USED IN SOCIAL SETTING


DESCRIPTORS
HOME LANGUAGE
FIRST LANGUAGE LANGUAGE
STUDENT'S LANGUAGE
HAS MET AT LEAST ONE DESCRIPTION
MONOLINGUAL OTHER
PREDOMINANT OTHER
BILINGUAL
PREDOMINANT ENGLISH
MONOLINGUAL ENGLISH
NOT ACHIEVING AT GRADE LEVEL COMPETENCY
ACHIEVING AT GRADE LEVEL COMPETENCY
BILINGUAL INSTRUCTION (T.B.E., B.B.P., M.M.P.)
OTHER RESPONSE
The instruction should correspond to the regular instruction for all racially/ethnically identifiable students who are under achieving, regardless of their language background
ALL ENGLISH
NO FURTHER LANGUAGE SERVICES REQUIRED

STEP 1
IDENTIFICATION
Student whose "primary" or "home" language is other than English

→

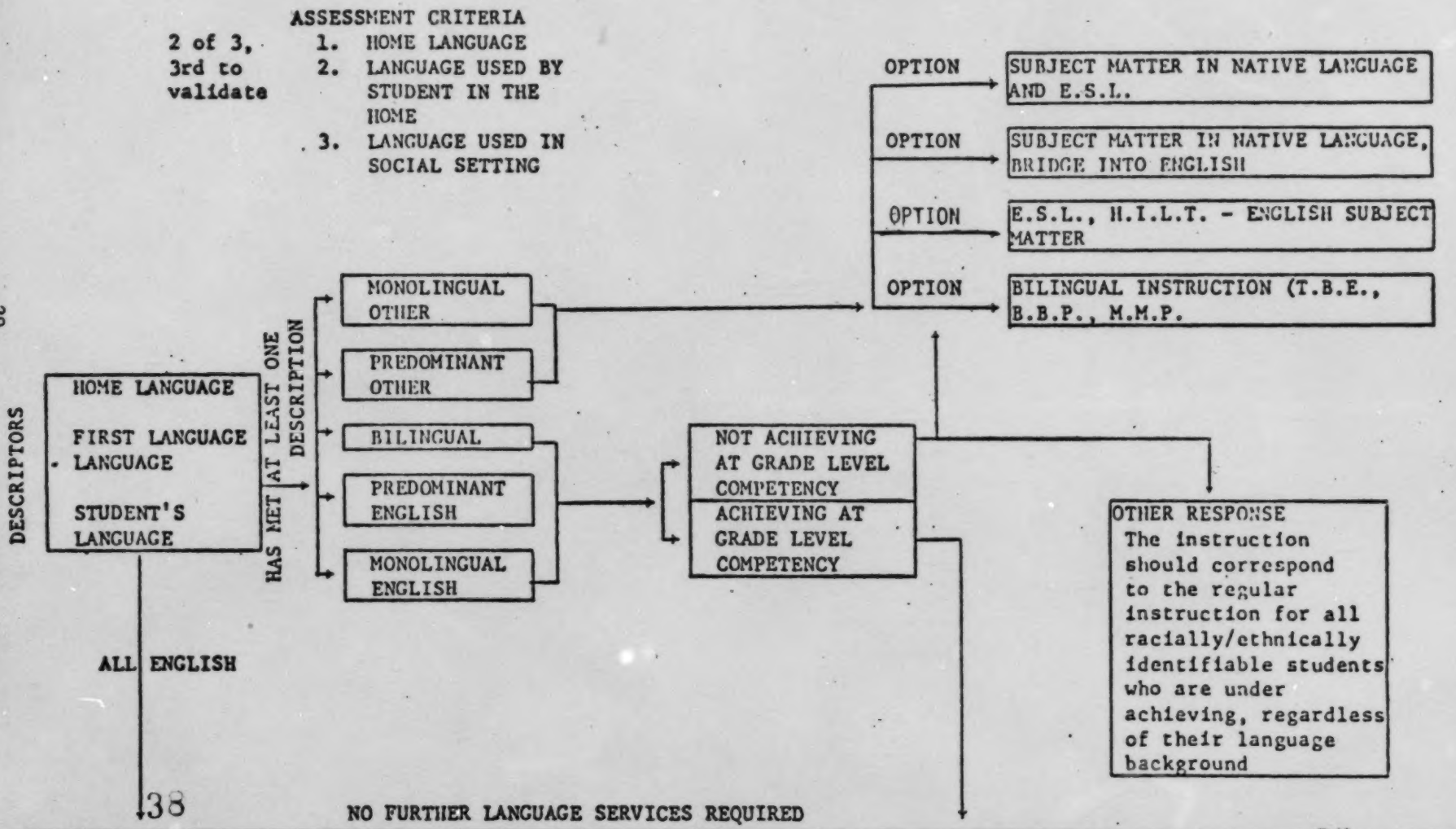
STEP 2
ASSESSMENT
Linguistic proficiency of students whose "primary" or "home" language is other than English

→

STEP 3
DIAGNOSIS
Achievement levels of students whose "primary" or "home" language is other than English

→

STEP 4
PRESCRIPTION
Prescribed programs for students whose "primary" or "home" language is other than English


ASSESSMENT CRITERIA
2 of 3, 3rd to validate
1. HOME LANGUAGE
2. LANGUAGE USED BY STUDENT IN THE HOME
3. LANGUAGE USED IN SOCIAL SETTING
DESCRIPTORS
HOME LANGUAGE
FIRST LANGUAGE LANGUAGE
STUDENT'S LANGUAGE
HAS MET AT LEAST ONE DESCRIPTION
MONOLINGUAL OTHER
PREDOMINANT OTHER
BILINGUAL
PREDOMINANT ENGLISH
MONOLINGUAL ENGLISH
ALL ENGLISH
NOT ACHIEVING AT GRADE LEVEL COMPETENCY
ACHIEVING AT GRADE LEVEL COMPETENCY
OPTION
SUBJECT MATTER IN NATIVE LANGUAGE AND E.S.L.
OPTION
SUBJECT MATTER IN NATIVE LANGUAGE, BRIDGE INTO ENGLISH
OPTION
E.S.L., H.I.L.T. - ENGLISH SUBJECT MATTER
OPTION
BILINGUAL INSTRUCTION (T.B.E., B.B.P., M.M.P.
OTHER RESPONSE
The instruction should correspond to the regular instruction for all racially/ethnically identifiable students who are under achieving, regardless of their language background
NO FURTHER LANGUAGE SERVICES REQUIRED

IVB. Sample - Exit Design

Exit is defined as placement/reassignment of a student from a bilingual environment to an environment where English is used as the sole medium of instruction. Using the LAS I and II (K-12) district wide on a pre-post basis each year, five categories are identified ranging from level one monolingual other speakers to level five monolingual English speakers.

This will be done for two major purposes:

a. to measure language growth
b. to classify students from one category to another

The principal, bilingual resource and classroom teacher may initiate the reclassification process.

As part of the reclassification process and movement toward mainstreaming, transition, the transition from primary language instruction to second/ English language instruction must meet the following criteria:

a. bilingual level on LAS
b. Student's age must be commensurate with the ages of students with which he/she is/will be placed.
c. Students who have been categorized as other language dominant must meet grade level minimum math and language arts skill requirements of the district in Spanish prior to being placed in an English curriculum (22nd percentile on ITBS/SRA/State CRT).

Exit: Students who have been identified in needing English language development and who have been placed in Elko County School District's bilingual program must meet the following criteria to be exited from the bilingual program.

a. Score in fluent or proficient English category as assessed by district adopted language assessment instrument (LAS). This proficiency will be assessed and must be mainstreamed for a period of two years.

b. Meet state minimum reading, math, and writing skills standard in English (Stanines 1 and 2 on area ITBS/CRT - categories 2 & 3).

All exited students will be monitored for a period of two academic years using annual testing measures to assess that they maintain their English language proficiency as well as their academic success. Students who are not meeting the grade level minimum in reading, math, and writing skills shall be considered to be underachieving and shall be offered the same educational services as all nonachieving students in the School District.

TITLE IX COMPLIANCE AND SELF-EVALUATION*

The Department of Education does not imply that use of the enclosed forms 1-9 will assure full compliance with 86.3 of Title IX Regulations in all Nevada school districts, nor can the Department assume the legal responsibility for district compliance. The final decision for form and procedure resides with each school district administration, separately.

Form #1: Essential Criteria. By July 21, 1976 you should have checked yes to each of the numbered questions and filed copies for documentation.

Form #2: Access to Courses - General. Answers to questions 1-11 should be jotted in with other notes relevant to possible modification of access to courses. This completed form also seems a logical part of written documentation.

Form #3: Treatment of Students. This could be used as a checklist with all principal administrators and, if desired with heads of departments and various other staff. A summary document could then become a part of the documents file with a memo as to procedures used.

Form #4: Athletics. The Superintendent may wish to submit this form to various members of the athletic departments, and to principals.

Form #5: Physical Education. This form also has potential as a checklist for physical education personnel and principals.

Form #6: Counseling. In addition to the personnel mentioned on the form, you may wish to submit this checklist to elementary level teachers.

Form #7: Employment. Some districts may wish to consider the assignment of a task force to research and check off these vital areas. Subpart E, (86.51 through 86.61) of the regulations pertain to employment. The person or persons assigned to this area of self-evaluation should be thoroughly familiar with Subpart E.

Form #8: Financial Assistance (To Students). This section refers, not only to direct financial assistance, but to employment assistance and health and insurance benefits and services. (See 86.37 through 86.39 of the regulations.)

Form #9: Vocational. This form also has various potentials for gathering information with which to compile the final documentary evidence desired for the files.

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*The following compliance checklist was taken from Complying with Title IX: Implementing Institutional Self-Evaluation, Martha Matthews and Shirley McCune. Washington, D.C.

ESSENTIAL CRITERIA RELATING TO COMPLIANCE WITH TITLE IX

The following is a minimum list of (1) questions that must be answered before July 21, 1976 and (2) "other possibilities" that should be considered, but do not appear to be specifically mandated in the regulations for Title IX. Numbered questions are manditory; lettered questions are procedural and optional. Many school districts will wish to expand upon this form.

This form is not a prescription, therefore districts are reminded to study the regulations for definitive interpretations.

Designation of Responsible Employee 86.8(a)

1. Has an employee(s) been designated as the person(s) responsible for coordinating and monitoring activities necessary for compliance with Title IX? YES ____ NO ____

2. Have employees and students been notified of the designation of the responsible person(s) and her/his office address(es) and telephone number(s)? YES ____ NO ____

3. Have continuing steps been developed for notification of the district policy of nondiscrimination on the basis of sex in:

   - course announcements? YES ____ NO ____
   - bulletins? YES ____ NO ____
   - catalogs? YES ____ NO ____
   - application forms? YES ____ NO ____
   - student recruiting materials? YES ____ NO ____
   - employee recruiting materials? YES ____ NO ____

   Other Possibilities:

   a. Outline the job responsibilities of the designated person(s) and the procedures for involvement and coordination of her/his job activities with other staff activities and district programs? YES ____ NO ____

   b. Assign responsibility for publications review to ensure that institutional or agency publications do not suggest, by text or illustration, differential treatment of applicants, students or employees on the basis of sex except when permitted by the Regulation? YES ____ NO ____

Complaint Procedures 86.8(b)

1. Have grievance procedures been adopted and published for the handling of student and employee complaints of alleged violations of Title IX Regulations? YES ____ NO ____

Policy Notification 86.9

1. Has a policy notification been developed containing:

   - a statement of institutional/agency policy for compliance with Title IX requirements for non-discrimination in education programs and employment? YES ____ NO ____

   - a statement that any inquiries regarding Title IX and its application may be referred to the employee designated with responsibility for coordinating compliance or to the Director of the Office for Civil Rights, HEW? YES ____ NO ____

2. Has an initial notification of policy been made to:

   - students? YES ____ NO ____
   - parents of elementary and secondary students? YES ____ NO ____
   - applicants for admission? YES ____ NO ____
   - admissions recruitment representatives? YES ____ NO ____
   - employees? YES ____ NO ____
   - applicants for employment? YES ____ NO ____
   - sources of referral for employment? YES ____ NO ____
   - employment recruitment representatives? YES ____ NO ____
   - unions or professional organizations holding collective bargaining or professional agreements with the institution or agency? YES ____ NO ____

3. Has notification of the policy been published in:

   - local newspapers? YES ____ NO ____
   - newspapers or magazines produced by the institution or agency, by students or by alumni groups? YES ____ NO ____
   - memoranda or other written communication distributed to every student and employee? YES ____ NO ____

Self-evaluation 86.3

1. Have procedures for institutional self-evaluation been initiated? YES ____ NO ____

2. Has an institutional self-evaluation been conducted? YES ____ NO ____

3. Has a procedure been instituted for maintenance of records pertinent to self-evaluation, modification of policies, and any remedial actions for a period of three years? YES ____ NO ____

Other Possibilities on Self-evaluation:

a. Has a policy directive outlining the scope and procedures to be followed for institutional self-evaluation and specifying the responsibilities of staff for data collection and review been developed and disseminated to staff? YES ____ NO ____

b. Have forms, procedures and timelines been developed to ensure involvement of all institutional or agency units in the self-evaluation process? YES ____ NO ____

c. Has a procedure been developed for the review of all self-evaluation data and plans for needed modifications and/or remedial actions established? YES ____ NO ____

Assurances 86.4

1. Have the institution's or agency's efforts toward achieving compliance with Title IX been sufficiently well-documented to provide information necessary for assurance statements which must accompany all applications for federal assistance? YES ____ NO ____

SELF-EVALUATION: AN OUTLINE
ACCESS TO COURSES - GENERAL

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in access to course offerings and to plan necessary modifications, it will be important to:

Review the following materials:

1. copies of graduation requirements
2. copies of policies or guidelines regarding procedures for the assignment of students to courses or classes
3. copies of course descriptions or course catalogs
4. copies of curriculum guides that outline the content, activities, or instructional methodologies of courses
5. copies of student handbooks

Consider collection and use of the following data:

a. Course enrollment by sex in:

- advanced science courses
- advanced mathematics courses
- advanced placement courses
- vocational technical courses
- industrial and business courses
- distributive-cooperative education courses
- physical education classes**
- music courses
- adult education courses

b. List, by sex, of student placements and compensation in work-study programs.

Determine compliance by answering the following questions:

1. Are graduation requirements the same for males and females?
2. Are criteria and procedures for the assignment or selection of students to programs, courses or classes developed and applied without regard to sex?
3. Does the student handbook make clear that all courses are open to students of both sexes?
4. Are course titles and course descriptions gender-free (e.g. without such labels as "bachelor cooking" or descriptions as "course is designed to provide an introduction to basic child development and prepare students for the responsibilities of motherhood.")
5. Is the use of the generic 'he' or generic 'she' avoided in favor of such terms as "students" in student handbooks, course descriptions or curriculum guides?

** Physical education courses will be considered in a separate portion of this document.

6. Are courses free from prerequisites which have a sexually discriminatory effect on enrollment?
7. Are all programs, courses or classes conducted without sex differentiation in assignments, materials, services, or other treatment?
8. Are all classes conducted on a coeducational basis unless they are dealing exclusively with human sexuality or students are selected for participation on the basis of vocal range?
9. Is the enrollment of students of one sex 80% or above in any course? If so, have steps been taken to ensure that this is not the result of sex discrimination?
10. If the district operates any sex-segregated schools, are such schools provided for both males and females? Are these schools comparable in programs, extracurricular activities, services, facilities and equipment? If, for reasons of low enrollment, a particular course is offered in one school only, are provisions made for access to this course by students of the other school?
11. Have testing instruments and procedures been reviewed to assure nondiscrimination?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

Comments

District superintendents may wish to conduct a sample survey of instructional staff, using this outline or one of a more specific nature; or they may wish to use other approaches such as instructing the building administrators to involve their staff in compiling a report to the Superintendent.

SELF-EVALUATION
TREATMENT OF STUDENTS

The following list of procedures is only suggestive; the "Essential Criteria Relating to Compliance With Title IX" provides the substantive outline for compliance.

1. Have all district policies regarding the behavior of students and the penalties or punishments to be imposed for student violations been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

2. Have all district policies regarding student dress or appearance been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

3. Have all descriptive and policy materials pertaining to student use of district facilities been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

4. Have all policies, statements or contractual agreements regarding medical, hospital, life or accident insurance plans made available to students by the education agency been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

5. Have all agency policies, statements or contractual agreements regarding employment assistance to students, whether provided by the district or by an outside individual or organization, been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

6. Have all agency-administered honors and awards policies and programs been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

7. Have all descriptive and policy materials pertaining to student extracurricular activities and programs been reviewed and modified where necessary to ensure that those activities and programs administered, sponsored, or operated by the education agency are in compliance with Title IX? YES ____ NO ____

8. Have all organizations or vendors providing services, benefits or aid to students which are sponsored or administered by the education agency been notified of the agency's policy of compliance with Title IX and have they submitted assurances of their own compliance? YES ____ NO ____

9. Have all agency policies and materials pertaining to student health services and programs been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

10. Do you have a policy prohibiting discrimination in policies or practices relating to student marital or parental status? YES ____ NO ____

11. Have all policies and guidelines been reviewed and modified where needed, and do they include the following:

- the availability of homebound instruction for pregnant students (where such services are available to students for other medical reasons)? YES ____ NO ____
- the availability of temporary leaves of absence for pregnant students? YES ____ NO ____
- the medical certification of pregnant students for leaves of absence, for participation in, or for exemption from school activities? YES ____ NO ____
- the access of pregnant students to all ongoing instructional programs? YES ____ NO ____
- the voluntary nature of participation in any special programs or courses for pregnant students? YES ____ NO ____
- the comparability of any special programs for pregnant students with the programs provided to non-pregnant students? YES ____ NO ____

12. Have all descriptive materials issued by the agency (including student handbooks) relating to the participation of married or pregnant students in instructional and extracurricular programs been reviewed and modified where necessary to reflect compliance of agency policies and programs with Title IX requirements?

YES ____ NO ____

SELF-EVALUATION
ATHLETICS

Full compliance for the elementary school level is necessary by July 21, 1976 and at the secondary or post-secondary level by July 21, 1978. (See 86.41(d) of Title IX Regulations); therefore, the following questions should be yes or no for elementary, but will (in some cases) require marginal notes for secondary and post-secondary.

1. Have all agency policies pertaining to student access to athletics been reviewed and modified where necessary to ensure that males and females are provided equal access to interscholastic, intramural, or club athletics as required by Title IX? YES ___ NO ___

2. Have all agency policies related to athletic team selection and/or composition been reviewed and modified where necessary to ensure compliance with Title IX requirements? YES ___ NO ___

3. Have all agency athletic programs been reviewed and modified where necessary to ensure that the interests and abilities of both females and males are effectively accommodated as required by Title IX? YES ___ NO ___

4. Have all agency policies pertaining to the provision of athletic benefits been reviewed and modified where necessary to ensure compliance with the equal opportunity criteria specified in §86.41(c) of the Title IX Regulation? YES ___ NO ___

5. Have agency policies regarding the assignment and compensation of athletic staff been reviewed and modified where necessary to ensure compliance with Title IX? YES ___ NO ___

6. Has the agency athletic budget been reviewed and modified where necessary to ensure that funds are allocated as necessary to provide equal athletic opportunities as required by Title IX? YES ___ NO ___

7. If you have identified any barriers to compliance with Title IX in any programs/sports/teams for which you have responsibility, have you specified steps and timelines for their elimination? YES ____ NO ____

8. Have you reviewed the athletic benefits provided in any sports or to any teams to determine their compliance with the equal opportunity criteria specified in §86.41(c) of the Regulation? YES ____ NO ____

9. Are all athletic programs conducted on a sex-integrated basis, unless:

   - the activity involved is a contact sport (football, basketball, wrestling, boxing, ice hockey, rugby, and others whose major activity involves bodily contact)? YES ____ NO ____
   - the team involved is comprised of members selected on the basis of competitive skill? YES ____ NO ____

10. Is equal opportunity for athletic participation and athletic benefits provided to both males and females, including but not limited to:

   - effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered? YES ____ NO ____
   - equipment, uniforms and supplies provided? YES ____ NO ____
   - travel and per diem allowance provisions? YES ____ NO ____
   - opportunity to receive coaching and academic tutoring? YES ____ NO ____
   - access to locker rooms, practice, and competitive facilities? YES ____ NO ____
   - access to medical and training facilities and services? YES ____ NO ____
   - efforts to provide publicity? YES ____ NO ____
   - availability of supports such as cheerleaders, pep band, or pep rallies? YES ____ NO ____

11. If a team in a non-contact sport is operated or sponsored for members of one sex with no team in that sport operated or sponsored for members of the other sex, are members of the excluded sex allowed to try out for that team if overall athletic opportunities for members of the excluded sex have previously been limited? YES ____ NO ____

12. If the answer to any of these questions is no, have barriers to immediate modifications necessary to achieve compliance been identified and steps to overcome these barriers been specified with a timetable for their implementation? YES ___ NO ___

- Will compliance be achieved by July 21, 1976 at the elementary level? YES ___ NO ___
- Will compliance be achieved by July 21, 1978 at the secondary level? YES ___ NO ___

SELF-EVALUATION
PHYSICAL EDUCATION
86.34

Superintendents may wish to provide this form or a similar one to principals and physical education instructors for their completion. There are various options which the superintendent will wish to consider both in evaluation procedures and in the form of documentation.

1. Are physical education requirements the same for males and females? YES ____ NO ____

2. Are physical education classes conducted on a coeducational basis except during participation in contact sports? YES ____ NO ____

3. Do course descriptions make it clear that all physical education courses are open to male and female students according to nondiscriminatory criteria? YES ____ NO ____

4. Do course descriptions state the criteria for measurement of skills where these are employed for grouping students? YES ____ NO ____

5. Are criteria used for measurement of progress within a physical education course or program explicit and free of adverse effects upon students of one sex? YES ____ NO ____

6. Are physical education class activities sufficiently diversified for achieving the range of physical education program goals and not concentrated only on contact sports? YES ____ NO ____

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

The following are items you may wish to consider in the analysis of the physical education policies and programs:

Review the following materials:

a. copies of physical education requirements for students at all grade levels
b. copies of curriculum guides that outline the content, activities or instructional methodologies of all physical education programs
c. copies of all physical education course descriptions
d. descriptions of all facilities and equipment used in physical education programs

Collect the following data:

a. name, description and grade level of all physical education courses conducted separately for males and females, and statement of facilities and equipment used
b. name, description and grade level of all physical education courses conducted on a coeducational basis and statement of facilities and equipment used
c. course enrollments by sex in physical education courses at all grade levels
d. summary of program activities within each physical education course

SELF-EVALUATION
COUNSELING

Counselors, class advisers, and assistant administrators are especially vulnerable to violations of Title IX (unintentional though they may be), hence they should be thoroughly familiar with the regulations. The following checklist is suggested for their and/or central office staff use.

1. Have you familiarized yourself with the implications of the Regulation to implement Title IX regarding nondiscrimination in student access to courses as they pertain to counseling services? YES ____ NO ____

2. Have you reviewed your counseling policies, practices and materials to assess their compliance with Title IX requirements for nondiscrimination in student access to courses and modified them where necessary to ensure compliance? YES ____ NO ____

3. If you have responsibility for the assignment of students to courses, classes or programs, is such assignment based upon criteria and procedures developed and applied without regard to sex? YES ____ NO ____

4. Have you made it clear to all students that all courses are open equally to males and females? YES ____ NO ____

5. Have you reviewed all tests used in the assignment, referral or placement of students in courses or programs to ensure that they do not have a disproportionately adverse effect upon students on one sex? YES ____ NO ____

   If materials which do have such effect are used, have:

   - these materials been demonstrated to validly predict success in the course/program in question? YES ____ NO ____

   - other materials which do not have such effect been shown to be unavailable? YES ____ NO ____

6. Have you reviewed course enrollments by sex to identify any courses in which the enrollment of students of one sex is 80% or more? YES ____ NO ____

7. If you have identified courses with such a disproportionate enrollment, have you taken steps to assure yourself that this is not the result of sex discrimination in counseling practices or materials? YES ____ NO ____

8. Have you submitted to your building administrator or supervisor information concerning any instances of discrimination you have identified in policies, practices or materials relating to student access to courses? YES ____ NO ____

9. Do you encourage all students to make academic, career and personal decisions on the basis of individual abilities, interests and values rather than on the basis of sex? YES ____ NO ____

10. Have all district/agency manuals, procedural guidelines, or other documents pertaining to the responsibilities/job functions of counseling personnel been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

Other Possibilities: (Supervisors/Principals)

a. Have criteria been developed and/or disseminated by which persons with the responsibility for the selection/purchasing of tests, appraisal instruments, and counseling materials shall evaluate such instruments to determine compliance with Title IX? YES ____ NO ____

b. Have directives been issued and/or training provided regarding the non-discriminatory use of tests or instruments currently employed in the district/agency? YES ____ NO ____

c. Have all counseling materials currently employed in the district been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

d. Have you requested that all building staff submit information concerning any instances of sex discrimination that they may identify in counseling policies or practices, counseling instruments and counseling materials? YES ____ NO ____

SELF-EVALUATION
EMPLOYMENT

1. Have all statements or documents concerning agency employment and personnel policies, practices criteria and procedures been reviewed and modified as necessary to ensure compliance with Title IX in all areas, including:

- recruitment	YES ____	NO ____
- selection	YES ____	NO ____
- assignment (including extra-duty assignments)	YES ____	NO ____
- transfer	YES ____	NO ____
- referral	YES ____	NO ____
- promotion	YES ____	NO ____
- retention	YES ____	NO ____
- dismissal	YES ____	NO ____
- fringe benefits	YES ____	NO ____

2. Have all application forms been reviewed and modified where necessary to ensure omission of questions regarding marital or parental status?* YES ____ NO ____

3. Have all entities providing benefits to employees - medical, hospital, accident, life insurance, retirement or profit-sharing policies or plans - been notified of the agency's obligation to provide such benefits in a nondiscriminatory fashion which complies with Title IX requirements in these areas? YES ____ NO ____

4. Have all contracts, collective bargaining and professional agreements been reviewed and modified where necessary to ensure compliance with the requirements of Title IX? YES ____ NO ____

5. Have all position descriptions, job classifications, and salary schedules been reviewed and modified as necessary:

- to ensure job-relatedness of employment criteria?	YES ____	NO ____
- to ensure equity in job classifications?	YES ____	NO ____
- to ensure equity in compensation for comparable jobs?	YES ____	NO ____

6. Has a record of applicant flow for the fiscal year (persons who applied for positions, their relevant qualifications, and the employment decision made) been prepared and examined to determine whether all agency employment policies, criteria, and procedures are being applied in a nondiscriminatory fashion which complies with Title IX requirements?*

YES ____ NO ____

7. Has a record of personnel receiving sabbatical leave benefits, training or educational opportunities, and financial support for travel, professional meetings, etc., been prepared and reviewed to determine whether policies, criteria and procedures regarding these employment benefits are applied in a nondiscriminatory fashion which complies with Title IX requirements?

YES ____ NO ____

* Bear in mind that regulations for Title IX of the Education Amendments of 1972 became effective on July 21, 1975.

SELF-EVALUATION
VOCATIONAL

This is the type of "action checklist" which might be used by building principals, supervisors, central office staff, or instructors as deemed appropriate by the district administration.

1. Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in policies, practices or materials related to vocational education courses and programs? YES ____ NO ____

2. Have you prepared the following and submitted them to the central administration according to specified format and timelines:

   - assurances of review of policies governing student access to courses and programs of vocational education and modification where necessary to ensure compliance with Title IX? YES ____ NO ____

   - assurances of review of procedures, criteria, and testing instruments used in admission or assignment of students to courses or programs of vocational education and modification where necessary to ensure compliance with Title IX? YES ____ NO ____

   - assurances of review of all descriptive materials relating to student access to courses or programs of vocational education (including student handbooks or catalogs) and modification where necessary to ensure that content, language and illustrations reflect compliance with Title IX? YES ____ NO ____

   - assurances of review of all vocational education course and curriculum guidelines and modification where necessary to ensure compliance with Title IX? YES ____ NO ____

- assurances of review by sex of all vocational education classes, courses or programs to identify those in which enrollment of students of a single sex is 80% or above; and a description of procedures used to ensure that any such disproportionate enrollments identified are not the result of sex discrimination in counseling or counseling materials? YES ___ NO ___

3. Have you reviewed your counseling policies, practices and materials to assess their compliance with Title IX and modified them where necessary? YES ___ NO ___

4. Have you made it clear to all students that all vocational education courses, programs and schools are open equally to males and females? YES ___ NO ___

---

§86.34 Access to course offerings. A recipient shall not provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses [emphasis added].

SELF-EVALUATION
FINANCIAL ASSISTANCE
(To Students)
86.37-86.39

The fundamental intent of those sections of the Regulation pertaining to financial assistance to students is to ensure that females and males of comparable qualifications are provided comparable funds for education and that funds are awarded in a fashion which does not discriminate on the basis of sex.

1. Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in student financial assistance programs for which you have responsibility? YES ____ NO ____

2. Have all district policies regarding financial assistance to students been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

3. Have all criteria established by the district pertaining to the eligibility or selection of students for financial assistance been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

4. Have all application forms used by students in obtaining financial assitance been reviewed and modified where necessary to ensure nondiscrimination on the basis of sex? YES ____ NO ____

5. Have all procedures or procedural guidelines pertaining to the selection of students for financial assistance been reviewed and modified where necessary to ensure compliance with Title IX? YES ____ NO ____

6. Do all the above actions include consideration of both non-athletic and athletic financial assistance and/or scholarship programs? (See 86.37(c), (1) and (2)) YES ____ NO ____

Excerpts From Regulations

(a) General. Except as provided in paragraphs (b), (c) and (d) of this section, in providing financial assistance to any of its students, a recipient shall not: (1) on the basis of sex, provide different amount or types of such assistance, limit eligibility for such assistance which is of any particular type or source, apply different criteria, or otherwise discriminate; (2) through solicitation, listing, approval, provision of facilities or other services, assist any foundation, trust, agency, organization, or person which provides assistance to any of such recipient's students in a manner which discriminates on the basis of sex; or (3) apply any rule or assist in application of any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

(b) Financial aid established by certain legal instruments. (1) A recipient may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established pursuant to domestic or foreign wills, trusts, bequests, or similar legal instruments or by acts of foreign government which require that awards be made to members of a particular sex specified therein; provided, that the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex.

It is recommended that those district personnel participating in scholarship awards become familiar with all sections of 86.37.

Brief Comments

A key concept in the requirements for nondiscrimination is the concept which has been referred to as the "pooling" concept, outlined in §86.37 (c). Under the pooling provision, schools or districts may administer scholarships or funds which have been restricted by legal instruments to members of a specified sex, provided that such funds are administered in a nondiscriminatory fashion. Students must be selected for assistance on the basis of objective criteria, without any consideration of student sex or the availability of sex-restricted funds. Funds must then be awarded to the selected students in the order of their qualifications according to the objective criteria used. No student may be denied an award for which he or she was so selected due to the unavailability of appropriate sex-restricted funds.

The Regulatory requirements for athletic scholarships are somewhat different from those for non-athletic assistance. Following the Regulation's permission of sex-separated athletic teams, the overall allocation of athletic scholarships may be based upon sex. (Such separate treatment is clearly prohibited for non-athletic scholarships.) The key concept in the awarding of athletic scholarships is reasonableness: "reasonable opportunities" for athletic scholarships for males and females must exist "in proportion to the number of students of each sex participating in inter-scholastic....athletics" (§86.37(c)). Districts should assess whether male and female athletes at comparable levels of competition are afforded approximately the same opportunities to obtain athletic scholarships. Several approaches may be taken in the provision and administration of athletic scholarships.

SELF-EVALUATION

SECTION 504

504
§84.6(c)

By June 2, 1978 a recipient shall:

(1) Evaluate its current policies and practices

(2) modify policies and practices that do not meet the requirement of this part

(3) take appropriate steps to eliminate the effects of any discrimination that resulted.

Each step is to be undertaken with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons.

A recipient that employs fifteen or more persons shall maintain a file for public inspection, for three years following the completion of the evaluation which:

(1) Lists the interested persons consulted

(2) describes the areas examined and any problem identified

(3) describes any modifications made and any remedial actions taken.

P.L. 94-142

Each local educational agency wishing to participate in P.L. 94-142 funds must develop an application (local plan) which meets the requirements of the law.

The participation of the public in the development of this application is outlined in Edgar §100b.301 which includes reasonable opportunities for the participation by teachers, parents, and other interested agencies, organizations and individuals in the planning for and operation of each program.

SECTION 504

A MODEL SELF-EVALUATION GUIDE

	Ref. to 504 Regs.
1. Has an Assurance of Compliance, HEW Form 641, been completed and forwarded to HEW?	84.5
2. Has an employee been designated to coordinate efforts to comply with Section 504?	84.7
3. Has the agency notified its employees and clients that it does not discriminate on the basis of handicap in violation of Section 504 and its implementing regulation?	84.8
4. Has the agency's professional association been notified? Do the notifications include the name of the employee designated to coordinate Section 504 compliance activities?	84.8
5. Has the agency made continuing efforts to assure that employees and beneficiaries are aware of our policy of nondiscrimination? Are appropriate notices posted on bulletin boards? Do our materials for new employees and clients contain appropriate statements? Is our nondiscrimination policy contained in informational brochures?	84.8
6. In fulfilling the requirement for giving notice concerning our policy of nondiscrimination, has the agency taken initial and continuing steps to include those with impaired vision or hearing?	84.8
7. Has the agency adopted grievance procedures, incorporating appropriate due process standards, which provide for prompt and equitable resolution of complaints alleging any action prohibited by the Section 504 Regulation?	84.7
8. Does the agency have procedures to assure that all its employees and clients are aware of its Section 504 grievance process? Do these procedures adequately cover those with vision or hearing impairments?	84.7
9. When we recruit for employees, do our procedures exclude any class of handicapped persons because of the nature of the media involved?	84.11
10. Are all of our employment intake procedures accomplished at locations which are accessible? Do we provide potential employees with any help necessary in filling out employment applications? Do we have readers for the blind, interpreters for the deaf, and persons to assist in writing available during this process?	84.13
11. Have we reviewed the physical and mental requirements of each of our jobs to assure that no criteria are included which would discriminate against handicapped persons, unless such criteria are specifically necessary for job accomplishment?	84.13

12. Have we reviewed all tests used for employment decisions? Do these tests measure what they purport to measure and not such factors as impaired sensory, manual, or speaking skills? Do we have alternate testing procedures for those with sensory, manual, or speaking handicaps? Have we done all we can to assure that our employment testing program is nondiscriminatory? Are all our job requirements really relevant? — 84.13

13. Is our Application for Employment Form in compliance with the Section 504 Regulation? Since the agency is taking voluntary action to recruit handicapped persons, we do ask questions concerning handicapping conditions. Is the form clear that answering such questions is purely voluntary? — 84.14 (b)

14. Are agency procedures adequate to assure that medical information obtained through applications for employment or employment interview is kept confidential? Such information may only be released to supervisors for planning of necessary accommodations, medical personnel for the provision of emergency treatment, and Government officials investigating compliance with Section 504. — 84.14 (c)

15. Our agency preconditions employment upon the satisfactory completion of a medical examination. Are we certain that the physical requirements set up for each of our positions are indicative of skills actually required for job performance? — 84.14 (c)

16. Are the results of medical examinations kept confidential? Do we have a procedure for controlling access to these forms? Medical information should only be released to supervisors as necessary for accommodation, medical personnel as necessary for emergency treatment, and Government officials investigating compliance with Section 504? — 84.14 (c)

17. Are there any policies, procedures, or practices of the agency related to employment which have a discriminatory effect? Have we reviewed policies relevant to hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, the right of return after layoff, etc.? — 84.6 (c)

18. Is the agreement with the Professional Association free of discriminatory provisions? — 84.11

19. Have medical, hospital, accident, life insurance, and retirement fringe benefits been reviewed to assure nondiscrimination on the basis of handicap? — 84.11 (b)(6)

20. Are the agency's social and recreational activities made available to all employees? Are handicapped employees denied participation due to lack of accessibility or auxiliary aids? — 84.11 (b)(8)

21. Are our programs of leave, such as vacation, sick leave, leave of absence, and sabbaticals administered on a nondiscriminatory basis?	84.11 (b)(5)
22. Are the agency's programs of apprenticeship, internship, and staff development administered on a nondiscriminatory basis?	84.11 (b)(2)
23. Are there adequate parking facilities for handicapped employees and handicapped applicants for employment?	84.12 (b)
24. Do we have a policy concerning "reasonable accommodation?" Have we determined at what level the decision conerning "reasonable accommodation versus undue hardship" rests?	84.12 (c)
25. Have we adequate administrative procedures to insure documentation of decisions regarding refusal to hire or promote because of undue hardship?	84.12
26. In advertising our services, do we assure that no class of the handicapped are excluded because of the nature of the media used?	84.22 (f)
27. Are the agency's intake procedures accessible for handicapped clients? Are the facilities program accessible? Do we provide necessary services such as readers for the blind, interpreters for the deaf, and writers?	84.22 (a) 84.52 (d)
28. Do we have alternate, valid testing procedures for clients with impaired sensory, manual, or speaking skills?	84.52 (a) & (d)
29. What are our policies concerning drug addicts and alcoholics as clients? Are we certain that only the manifestations of these conditions, and not the conditions themselves, are taken into consideration when determining eligibility for services?	"Analysis" No. 4
30. In our service program, have we made reasonable accommodation for the needs of disabled clients? Are there interpreters for the deaf available? Are written materials available in other forms for the blind?	84.52 (d)
31. Do we assure that social and recreational activities are open to all clients, regardless of the nature of their handicaps?	84.52 (a)
32. Are the agency's transportation facilities open to all classes of handicapped persons?	84.52 (a)

33.	In our program of placing clients outside the agency for trial employment periods, have we assured that opportunities for trial employment are "on the whole" available to all classes of handicapped clients?	84.22 (a)
34.	In our program for providing housing opportunities for those being discharged from the residential program, do we assure that such opportunities are available "on the whole" to all classes of handicapped clients?	84.22 (a)
35.	Since residential program supervisors live on the premises, are there equal opportunities in housing for disabled supervisors?	84.12
36.	Do our counseling operations introduce any stereotyped images of capabilities with regard to particular handicapping conditions?	84.6 (c)
37.	Have all contracts of the agency been analyzed to assure that the agency is not, as a result of such contracts, subjecting handicapped persons to discrimination on the basis of their handicaps?	84.11 4
38.	Has the agency made all of its programs accessible to handicapped persons to the degree that can be accomplished through administrative means?	84.22 (b)
39.	Has the agency prepared a transition plan which includes a schedule for removal of all architectural barriers to program accessibility as soon as possible but prior to June 2, 1980?	84.22 (e)
40.	Has an employee been designated as the person responsible for implementation of the transition plan?	84.22 (e)
41.	Is the transition plan a public record available for inspection during regular business hours?	84.22 (e)
42.	Have we assured that management officials and officials of the Physical Plant Department are aware of the requirements for barrier-free design in new construction and building modification?	84.23
43.	Have we assured that no qualified handicapped person is denied the opportunity to participate as a member of any of our planning, advisory, or governing boards?	84.4 (b)
44.	Do administrative procedures include assurances of nondiscrimination on the basis of handicap in any applications for grants from the Department of Health, Education, and Welfare?	84.5

TRANSITION PLAN
SECTION 504

504
§88.22(e)

By August 2, 1977 a recipient shall review each program or activity to determine if when viewed in its entirety, the program is accessible to handicapped persons. Modifications which can be accomplished without structural changes will be completed by August 2, 1977.

If structural changes are necessary, by December 2, 1977, recipients shall develop a transition plan outlining the steps needed to complete these changes. This plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the plan shall be available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles

(2) describe in detail the methods that will be used to make the facilities accessible.

(3) specify the schedule for taking the steps necessary to achieve full program accessibility and if the time period of the transition plan is longer than one year, identify steps that will be taken during each year

(4) indicate the persons responsible for implementing the plan.

P.L. 94-142

No regulatory reference.

SECTION 504
CHECKLIST OF ACCESSIBILITY

Please fill in the form completely. Include any suggestions or comments on alternative ways to make designated facility accessible to the handicapped. If you have any questions, need technical assistance, or would like more specific information in any of the areas, contact Denise Dehne at 885-4440.

Name of Property: _____

Address: _____

Date: _____ Person(s) Surveying: _____

Title(s): _____

SITE ENTRY

Yes	No	Parking
( )	( )	Are there parking spaces reserved for the handicapped?
( )	( )	Are the spaces at least 12 feet long by 6 feet wide?
( )	( )	Is there a sign reserving these spaces for the handicapped?
( )	( )	Is there a ramp, if necessary, between the handicapped parking space and the building?

COMMENTS AND OBSERVATIONS: _____

_____

_____

Curbs, Ramps, and Walks

( ) ( ) Do all of the ramps have an edge no higher than ½ inch?

( ) ( ) Do these ramps have no more than a 1:12 maximum slope?

( ) ( ) Are the ramps at least 40 inches wide?

( ) ( ) Are there handrails on each side of the ramp?

( ) ( ) Are the walkways at least 48 inches wide?

( ) ( ) Are the walkways clear of debris and/or hazardous objects?

Yes No

( ) ( ) Are outside steps protected from the weather?

COMMENTS AND OBSERVATIONS: _____

_____

_____

BUILDINGS

Doors and Doorways

( ) ( ) Is every door to be used by the public, interior and exterior, equipped with a clear opening of at least 32"?

( ) ( ) Are doors easy to pull or push open - requiring no more than 8 pounds of pressure?

( ) ( ) Are thresholds of doors no higher than ½ inch?

( ) ( ) Are door openers easy to operate, being a loop or lever type?

Elevators

( ) ( ) Is there a clear door opening of at least 32"?

( ) ( ) Is there adequate maneuvering space for wheelchairs?

( ) ( ) Are the top elevator controls between 48-54" maximum?

( ) ( ) Are there floor numbers and other information items raised for the blind?

( ) ( ) Is there railing in the elevator cab?

( ) ( ) Does the elevator stop exactly at floor level?

COMMENTS AND OBSERVATIONS: _____

_____

_____

Toilets

( ) ( ) Are there public toilets on each floor for each sex?

( ) ( ) Is there a toilet stall provided to accommodate a wheelchair?

Yes	No	
( )	( )	Is this designated stall at least 5'6" by 5'6" (or 6' by 5')?
( )	( )	Is the door to this stall at least 3' wide?
( )	( )	Are there grab rails beside and behind the water closet?
( )	( )	Is there no more than 1½ inches between the rail and the wall?
( )	( )	Is there a urinal set no more than 15-17" above the floor?
( )	( )	Are the sinks, mirrors, towels, and wastebasket accessible for wheelchair use?

COMMENTS AND OBSERVATIONS: _____

_____

_____

Other

( )	( )	Is there 29-30" of space for wheelchair users' knee clearance under water fountains?
( )	( )	Is the spout of the water fountain no more than 34" high?
( )	( )	Is the water fountain structure recessed into the wall, thus avoiding a hazard to the blind?
( )	( )	Is there a telephone accessible for wheelchair use?
( )	( )	Do information-giving signs and directories have raised lettering for the blind?
( )	( )	Are these signs no more than 4'6"-5'6" above the floor?

COMMENTS AND OBSERVATIONS: _____

_____

_____

MODEL

TRANSITION PLAN FOR PROGRAM ACCESSIBILITY

1. Statement of Policy. It is the policy of (Program) not to discriminate on the basis of handicap. The Board of Trustees and management realize that it is necessary for our programs, when viewed in their entirety, to be accessible to handicapped persons. The Board of Trustees has, therefore, directed a review of all programs and activities and an identification of any obstacles precluding full participation by handicapped persons. The board has directed that such steps as necessary be taken to remove these obstacles through either administrative or architectural changes. In all cases, our intention is to promote full participation by handicapped persons, allowing them to function with maximum independence.

2. The Transition Plan Team. By an action of the Board of Trustess on (Date) (Name), (Title) , was appointed as the reponsible official for development and implementation of the Transition Plan. The board further charged the (Title) with forming a team to include representatives from all phases of the agency's operations and, also, to include persons with a wide range of disabilities: The following team was formed:

(List the team members by name, title and type of disability if appropriate.)

3. Survey Techniques. The survey was comprised of two parts, programmatic and architectural. For the first part, the team met as a group, analyzed the agency's operations, and identified administrative obstacles to full functioning by disabled persons. For the second part, the team was divided into two groups, each with representation of persons with varying disabilities. Each group, independently, conducted an architectural survey of each of the agency's facilities. The instrument utilized was the (Name of document) published by the (Source).

4. Survey Results. The following are the results of the survey:

a. Administrative problems:

b. Architectural problems:

5. Actions Planned. After completion of the survey, the team met to discuss possible solutions. Representatives from the Board of Trustees attended the meeting. Recommendations from the meeting have since been discussed and approved by the Board of Trustees and now constitute the approved action items of the Transition Plan. Actions items, agencies responsible for their accomplishment, and target dates are listed below:

a. Regarding Administrative Barriers Found:

b. Regarding Architectural Barriers:

6. Oversight. Management surveillance of the Transition Plan is essential to its success. Therefore, the (Title) will prepare a series of PERT or GANTT charts outlining milestones. The (Title) will report to the (Title) on the status of accomplishment of these milestones within five days of the occurrence of each. The Executive Director or the Deputy Executive Director will report on progress to the Board of Trustees on a quarterly basis. Reports will include an assessment by the Executive Director on the possibilities of outside funding.

7. This Transition Plan is considered a public document. It will be kept available for public review in the agency' business office during normal business hours.

Executive Director

SELF-EVALUATION OF THE METHODS OF
ADMINISTRATION CONCERNING OFFICE OF CIVIL RIGHTS
GUIDELINES FOR VOCATIONAL EDUCATION

The State of Nevada is an equal opportunity employer and does not discriminate or deny services on the basis of race, color, national origin, sex, handicap, and/or age.

INTRODUCTION

The following checklist was developed for the California State Department of Education and the Chancellor's Office, California Community Colleges.

The purpose of this checklist is to enable sub-recipients to identify areas in which their school/district may need technical assistance to ensure that the vocational education program is operated in compliance with Title VI (Civil Rights Act of 1964), Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the OCR Guidelines for eliminating discrimination and denial of services on the basis of race, color, national origin, sex, or handicap.

An answer Key is provided. Where your answers differ from those in the Key, it may be an indication of a potential civil rights problem. The Vocational and Continuing Education Branch of the Nevada Department of Education, under the direction of Bill Trabert, Director, Vocational and Continuing Education, Denis Graham, Consultant, Programs for the Disadvantaged and Handicapped Vocational Education, is available to provide sub-recipients with technical assistance in the identification and correction of violations.

This checklist is provided in "draft" form in order that we may adapt the suggestions herein to suit Nevada's unique needs. As you use the checklist, suggestions and adaptations will be appreciated.

DRAFT

For Discussion Purposes Only

Self-Evaluation Checklist

A. Procedural Requirements	Yes	No
1. Has your district/school filed the appropriate* assurance forms with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973?	____	____
*Title VI, Form #441 - Title IX, Form #639 - Section 504, Form #641		
2. Prior to the beginning of each school year, does your district/school advise students, parents, employees, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap?	____	____
a) Is this notice available to persons with limited English language skills in the community's own language?	____	____
b) Is this notice available to persons who are visually or hearing impaired?	____	____
3. Does your district/school comply with the following notice requirements?		
a) Title VI - Notice must be given to participants, beneficiaries, and other interested persons of the recipient's policy of non-discrimination on the basis of race, color, or national origin and the provisions of Title VI as they apply to the recipient's program in the manner prescribed by U.S. Department of Education.	____	____
b) Title IX - Notice must be given to applicants for admission and employment, elementary and secondary school students and their parents, employees, sources of referrals for applicants, and union and professional organizations holding collective bargaining or professional agreements with the recipient. The notice must contain a statement of the recipient's policy of non-discrimination on the basis of sex, the provisions of Title IX as they apply to the recipient's program, and the name of the Title IX Coordinator. The notice of the policy of non-discrimination must appear in bulletins, catalogs, application forms and other recruitment materials for both students and employees.	____	____
c) Section 504 - Recipients who employ 15 or more persons must give notice to participants, beneficiaries, applicants, employees, unions or professional organizations holding collective bargaining or professional		

	Yes	No
agreements with the recipient. The notice must contain a statement of the recipient's policy of non-discrimination on the basis of handicap. The notice of non-discrimination must appear in recruitment materials, publications and other information made available to the categories of persons who must receive notice.	____	____
Recipients who operate elementary and secondary education programs must annually (1) undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education, and (2) take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under #1.	____	____
4. Coordinators		
a) Title IX - Has your district/school designated an employee(s) to coordinate the recipient's compliance activities and to investigate complaints alleging non-compliance with the provisions of Title IX?	____	____
b) Section 504 - If your district/school employs more than 15 persons have you designated at least one person to coordinate its Section 504 activities?	____	____
5. Grievance Procedures		
a) Title IX - Has your district/school adopted a grievance procedure for the prompt and equitable resolution of complaints of discrimination by students and employees (where the object of federal financial assistance is specifically for employment, or where employment practices affect beneficiaries)?	____	____
b) Section 504 - If your district/school employs 15 or more persons have you adopted a due process grievance procedure for the resolution of complaints by students and employees?	____	____
6. Self-Evaluation		
a) Title IX - Has your district/school conducted a self-evaluation of your policies and practices to determine whether they discriminate on the basis of sex?	____	____
b) Section 504 - If your district/school employs 15 or more persons, have you conducted a self-evaluation of your policies and practices in consultation with handicapped persons or organizations representing handicapped persons to determine whether they discriminate on the basis of handicap?	____	____

	Yes	No
7. Transition Plan		
a) Section 504 - If your district/school center employs 15 or more persons and if structural changes are necessary to assure that handicapped students have access to all your program offerings, then have you developed a transition plan in consultation with handicapped persons or organizations representing handicapped persons which:		
1) identified the physical obstacles 2) describes how the facilities will be made accessible 3) specifies the schedule for the changes 4) indicates a person responsible for the implementation of the plan?	____	____
B. Access and Admission to Vocational Education Programs		
1. Are Vocational Education facilities segregated or established for students of one race, color, or national origin, sex, or of any handicapping condition?	____	____
2. Does the site location of Vocational Education facilities result in the denial of access to persons on the basis of race, color, national origin, sex, or handicap?	____	____
3. Have geographic boundaries been established, approved or maintained which unlawfully exclude students on the basis of race, color, national origin, sex, or handicap?	____	____
4. Has the physical plant been added to, modified or renovated in a manner that maintains or increases students' segregation on the basis of race, color, national origin, sex, or handicap?	____	____
5. Are handicapped students denied access to Vocational Education programs because of architectural barriers?	____	____
6. Are admission policies and practices non-discriminatory?	____	____
7. Are pre-admission inquiries made regarding handicap or marital status?	____	____
8. Are numerical limits placed on the number of persons admitted based on race, color, national origin, sex, or handicap?	____	____
9. Do the criteria for courses and program admission have a disproportionate adverse effect on persons of a particular race, color, national origin, sex, or handicap?	____	____
10. Are students with limited English language skills excluded from any program offerings?	____	____

	Yes	No
11. Are there any architectural or equipment barriers that would deny access to Vocational Education programs to handicapped students?	____	____
12. Are students denied access to Vocational Education courses on the grounds that because of their race, color, national origin, sex, or handicap, employment opportunities may be more limited for them?	____	____
13. Do the recruitment materials reflect the school/district's policy of non-discrimination on the basis of race, color, national origin, sex, or handicap?	____	____
14. Are recruitment materials available to persons with limited English speaking skills in their own language?	____	____
C. Counseling		
1. Are counseling materials and activities free from discrimination on the basis of race, color, national origin, sex, or handicap?	____	____
2. Are student program selections, career and employment selections, and promotion and recruitment efforts free from discrimination on the basis of race, color, national origin, sex, or handicap?	____	____
3. Are counseling practices free from urging students to enroll in programs based on their race, color, national origin, sex, or handicap?	____	____
4. Are different testing or other materials for appraising or counseling students used on the basis of a student's race, color, national origin, sex, or handicap?	____	____
5. Are counselors effectively communicating with students of limited English-speaking proficiency and with students who are hearing impaired?	____	____
6. Are promotional materials available to communities with limited English language skills, in the language of that community?	____	____
7. Are promotional materials available to the visually impaired?	____	____
D. Equal Opportunity		
1. Is student financial assistance awarded free from discrimination on the basis of race, color, national origin, sex, or handicap?	____	____

	Yes	No
2. Are financial assistance materials free from discriminatory language or symbols?	____	____
3. Are financial assistance materials available to persons with limited English language skills in their language?	____	____
4. Are financial assistance materials available to applicants with visual impairments?	____	____
5. Are housing opportunities available without discrimination on the basis of race, color, national origin, sex, or handicap?	____	____
6. Are auxiliary aids provided to handicapped students to enable them to participate equally in the vocational program?	____	____
7. Are secondary level handicapped students placed in regular education environments to the maximum extent appropriate to the needs of the student?	____	____
8. Are proper evaluation and due process procedures followed before a handicapped student is provided special education or related service?	____	____
9. Are facilities for students of one sex comparable to those offered to students of the other sex?	____	____
E. <u>Work Study, Cooperative Education, Job Placement and Apprenticeship</u>		
1. Are work study, cooperative education, job placement and apprenticeship training opportunities available to all students without regard to race, color, national origin, sex, or handicap?	____	____
2. Does your district/school honor employer's requests for students who are free of handicaps, or for students of a particular race, color, national origin, or sex?	____	____
3. Does your district/school have written assurances from labor unions, businesses and industrial plants, and other employers to whom it refers or assigns students that they do not discriminate on the basis of race, color, national origin, sex, or handicap?	____	____
4. Does your district/school refer or assign students with employers or unions who discriminate on the basis of race, color, national origin, sex, or handicap?	____	____

	Yes	No
F. Employment		
1. Are all of your district/school's employment practices free from discrimination against employees or applicants for employment on the basis of race, color, national origin, sex, or handicap?	____	____
2. Does your district/school engage in any employment practice that discriminates on the basis of race, color, national origin, sex, or handicap, where such discrimination tends to result in segregation, exclusion, or other discrimination against students?	____	____
3. Are all recruitment sources notified of the district/school's policy of non-discrimination in employment on the basis of race, color, national origin, sex, or handicap?	____	____
4. Are all persons treated equally with respect to:		
a) processing applications for employment;	____	____
b) hiring, upgrading, promotion, tenure, demotion, transfer, lay-off, termination, right of returning from lay-off, and rehiring;	____	____
c) rates of pay or any other form of compensation;	____	____
d) job assignments, job classifications, organizational structures, position description, lines of progression, and senority lists;	____	____
e) leaves of absence, sick leave, or any other leave;	____	____
f) fringe benefits;	____	____
g) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;	____	____
h) employer-sponsored activities?	____	____
5. Are reasonable accommodations made to the known physical or mental limitations of an otherwise qualified applicant or employee except where it imposes an undue hardship?	____	____
6. Do employment tests or other selection criteria disproportionately exclude a particular class of persons on the basis of race, color, national origin, sex, or handicap?	____	____
7. Are preemployment inquiries made concerning the marital status or handicapping condition of the applicant?	____	____
8. Does your district/school participate in contractual or other relationships that have the effect of subjecting applicants or employees to discrimination (such as referral agencies)?	____	____

TECHNICAL ASSISTANCE KEY TO CHECKLIST

	Yes	No
A. Procedural Requirements		
1.	X	
2a.	X	
b.	X	
3a.	X	
b.	X	
c.	X	
4a.	X	
b.	X	
5a.	X	
b.	X	
6a.	X	
b.	X	
7.	X	
B. Access and Admission to Vocational Education Programs		
1.		X
2.		X
3.		X
4.		X
5.		X
6.	X	
7.		X
8.		X
9.		X
10.		X
11.		X
12.		X
13.		X
14.	X	
C. Counseling		
1.	X	
2.	X	
3.	X	
4.		X
5.	X	
6.	X	
7.	X	
D. Equal Opportunity		
1.	X	
2.	X	
3.	X	
4.	X	
5.	X	

	Yes	No
D. Equal Opportunity (continued)		
6.	X	
7.	X	
8.	X	
9.	X	
10.	X	
E. Work Study, Cooperative Education, Job Placement and Apprenticeship		
1.	X	
2.		X
3.	X	
4.		X
F. Employment		
1.	X	
2.		X
3.		X
4.	X	
5a.	X	
b.	X	
c.	X	
d.	X	
e.	X	
f.	X	
g.	X	
h.	X	
6.	X	
7.		X
8.		X
9.		X

SUMMARY (Conclusion)

The goal of the Methods of Administration Concerning Office of Civil Rights Guidelines for Vocational Education is to eliminate any and all forms of discrimination that may exist in Vocational Education programs. The role of the Vocational and Continuing Education Branch of the Nevada Department of Education is one of providing assistance and maintaining compliance in all vocational education programs. With the 20% review of sub-recipients per year, on a five year cycle, the vocational education programs in Nevada shall be free from all discriminatory practices, policies and procedures.

If you identify a problem area that relates to non-compliance with the MOA Guidelines, contact the Vocational and Continuing Education Branch of the Nevada Department of Education and attempt to remediate the problem before you are selected for review.

SECTION V

NOTIFICATION

BILINGUAL

NOTIFICATION

Notification to Parents of Students Whose Primary or Home Language is Other Than English

A. School districts have the responsibility to effectively notify the parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents. Such notice, in order to be adequate, must be provided in English as in the necessary language(s) comprehensively paralleling the exact content in English. Be aware that a literal translation may not be sufficient.

B. The district must inform all minority and nonminority parents of all aspects of the programs designed for students of limited English speaking ability and that these programs constitute an integral part of the total school program.

TITLE IX NOTIFICATION*

- Has a policy notification been developed containing:
  - a statement of institutional/agency responsibility for compliance with Title IX requirements for nondiscrimination in education programs and employment? Yes ☐ No ☐
  - a statement that any inquiries regarding Title IX and its application may be referred to the employee designated with responsibility for coordinating compliance or to the Director of the Office for Civil Rights, HEW? Yes ☐ No ☐
- Have general guidelines been disseminated to inform staff of the implications of the nondiscrimination policy and its relationship to their job responsibilities? Yes ☐ No ☐
- Has an initial notification of policy been made to:
  - students? Yes ☐ No ☐
  - parents of elementary and secondary students? Yes ☐ No ☐
  - applicants for admission? Yes ☐ No ☐
  - admissions recruitment representatives? Yes ☐ No ☐
  - employees? Yes ☐ No ☐
  - applicants for employment? Yes ☐ No ☐
  - sources of referral for employment? Yes ☐ No ☐
  - employment recruitment representatives? Yes ☐ No ☐
  - unions or professional organizations holding collective bargaining or professional agreements with the institution or agency? Yes ☐ No ☐
- Has continuing notification of policy been made to:
  - new students? Yes ☐ No ☐
  - parents of new elementary and secondary students? Yes ☐ No ☐
  - new employees
- Has notification of the policy been published in:
  - local newspapers? Yes ☐ No ☐
  - newspapers or magazines produced by the institution or agency, by students or by alumni groups? Yes ☐ No ☐
  - memoranda or other written communication distributed to every student and employee? Yes ☐ No ☐
- Has a procedure been developed to ensure ongoing publication of the policy of nondiscrimination on the basis of sex in:
  - course announcements? Yes ☐ No ☐
  - bulletins? Yes ☐ No ☐
  - catalogs? Yes ☐ No ☐
  - application forms? Yes ☐ No ☐
  - student recruiting materials? Yes ☐ No ☐
  - employee recruiting materials? Yes ☐ No ☐
- Has a responsibility for publications review been assigned to ensure that institutional or agency publications do not suggest, by text or illustration, differential treatment of applicants, students or employees on the basis of sex except when permitted by the Regulation? Yes ☐ No ☐

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*Reprinted from Complying with Title IX: The First Twelve Months, by Shirley McCune and Martha Matthews of the Resources Center on Sex Roles in Education, Washington, D.C., published by the Office of Education, U.S. Department of Education.

Sample Notification of Title IX Non-Discrimination Policy

UNION SCHOOL DISTRICT

James Hill, Superintendent of Schools

P. O. Box 123 Glenwood, California 10654 (999) 886-9876

April 18, 1981

Dear Parents, Students and Employees:

Seven years ago the Congress passed the Education Amendments of 1972 which prohibits sex discrimination in educational programs and activities. On May 27, 1975, President Ford signed the final version of the regulations which govern that legislation.

Specifically, Title IX states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

It is the intent of the Union School District to comply with both the letter and the spirit of the law in making certain sex bias does not exist in its policies, regulations, and operations.

The guidelines which the district will follow are found in Title IX of the Education Amendments of 1972, and the regulation published by the Office of Civil Rights of the U. S. Department of Health, Education and Welfare for implementation of the law. In accordance with the Title IX regulations, the Union School District is making the following notification:

1. The Union School District does not knowingly discriminate against anyone because of sex, age, race, creed or national origin, or consider for employment candidates referred by agencies known to discriminate in defiance of Title IX regulations.
2. Every effort will be made to eliminate any known sex bias in counseling procedures and provide equal opportunity for enrollment by both sexes in all course offerings throughout the 1981-82 school year and thereafter.
3. The district will continue its past and present practice of offering all courses without regard to sex in all schools.
4. Grievance procedures have been established for students and their parents, employees, and prospective employees who feel sex bias has been shown by the school district.

   As the first step in the grievance procedure parents and students should contact the principal of their school, employees should contact their immediate supervisor and prospective employees should contact the personnel director, Union School District.
5. Jean Smith, Director of Curriculum and Instruction, has been designated as the compliance officer by the Board of School Trustees. Any person who feels he/she has been affected by sex discrimination in dealing with the Union School District should notify Jean Smith, in writing, at P. O. Box 123, Glenwood, California, 10654 (telephone: (999) 886-9879), or contact the Regional Office for Civil Rights, Room 700 Phelan Building, 760 Market Street, San Francisco, California 94102 (415) 556-8586, Attention: Floyd L. Pierce, Director, Region Nine, Office for Civil Rights.

The Union School District will make every effort to ensure that all persons are accorded unbiased consideration regardless of sex or minority status in compliance with Title IX of the Education Amendments of 1972.

Sincerely,

James Hill
Superintendent

NOTIFICATION

SECTION 504

504
§84.8

A recipient that employs fifteen or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of section 504 and this part. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include an identification of the responsible employee designated as coordinator. A recipient shall make the initial notification required by this paragraph by September 2, 1977. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.

If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

P.L. 94-142

The agency is required to provide notice prior to any action involving identification, location, evaluation or provision of a free appropriate education to a student.

The notice must include a full description of the rights afforded by the law.

NOTIFICATION
SECTION 504 (continued)

504
§84.22(f)

All recipients shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§84.32(b)

Recipients to which Subpart D applies shall take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under 504.

NOTIFICATION

OCR VOC/ED GUIDELINES

1. Prior to the beginning of each school year, the district/school must advise students, parents, employees, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap.

2. This notice must be available to persons with limited English language skills in the community's own language.

3. This notice must be available to persons who are visually or hearing impaired.

4. This notice must include the name, address, and telephone number of the person designated to coordinate Title IX and Section 504 compliance activity.

5. This notice must contain a brief summary of program offerings and admission criteria, if such criteria exist.

6. This notice should appear in:

   local newspapers
   school publications
   other media

In compliance with Executive Order 11246; Title II of the Education Amendments of 1976; Title VI Civil Rights Act 1964, as amended by the Equal Employment Opportunity Act of 1972; Title IX Regulation Implementing Education Amendments of 1972; Section 504 Rehabilitation Act of 1973; and all other Federal, State, School rules, laws, regulations, and policies, the (School/District/Agency name) shall not discriminate on the basis of sex, age, race, color, national origin, religion or handicap in the educational programs or activities which it operates.

It is the intent of (School/District/Agency name) to comply with both the letter and spirit of the law in making certain discrimination does not exist in its policies, regulations and operations. Grievance procedures, for Title IX and Section 504, have been established for students, their parents and employees who feel discrimination has been shown by the School/District/Agency.

Specific complaints of alleged discrimination under Title IX (sex) and Section 504 (handicap) should be referred to:

(Name)	(Name)
(Title)	(Title)
Title IX Coordinator	Section 504 Coordinator
(Location)	(Location)
(Telephone)	(Telephone)

Title IX complaints can also be filed with the Office of Civil Rights.

Regional Office of Civil Rights
Room 700 Phelan Building
760 Market Street
San Francisco, California 94102
(415) 556-8586

All students attending (School/District/Agency name) may participate in education programs and activities, including but not limited to health, physical education, music and vocational and technical education, (homemaking & consumer education, trades & industrial education, business & office education, etc.), regardless of race, color, national origin, religion, age, handicap or sex.

SECTION VI

GRIEVANCE PROCEDURE

TITLE IX

GRIEVANCE PROCEDURE

Grievance procedures have been developed or adapted for the handling of student complaints alleging violations of Title IX.

Grievance procedures have been developed or adapted for the handling of employee complaints alleging violations of Title IX.

These grievance procedures and the forms to process them have been published.

Administrators and employees have been fully appraised of the procedures to be utilized in the handling of grievances related to possible Title IX violations in education programs, the treatment of students or the policies and practices covering employment in order to understand the informal level of resolution of such student and employee grievances.

Alleged grievances and complaints are administrated by the designated person responsible for Title IX compliance and coordination.

GRIEVANCES PROCEDURES

SECTION 504

504 §84.7(b)	P.L. 94-142	Edgar
A recipient that employs fifteen or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part. Such procedures need not be established with respect to complaints from applicants for employment or from applicants for admission to postsecondary educational institutions.	Impartial Due Process Hearing.	Complaint Resolution
Issue Regarding alleged discrimination. Additionally, any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by 504 may by himself or by a representative file with the Office of Civil Rights.	Issue Regarding an individual student and involving a disagreement about identification, evaluation, placement and provision of a free appropriate public education. This involves a local district/agency procedure with the appointment of an impartial hearing officer by the State Superintendent.	Issue Regarding alleged violation of the law or regulations by a district/agency receiving funds. A complaint must be filed in writing to the State Superintendent of Public Instruction.
Timeline There is no specific timeline to resolve a grievance. However, a complaint must be filed not later than 180 days from the date of the alleged discrimination.	Timeline A decision must be rendered within 45 days of the written request for a hearing.	Timeline A resolution must transpire within 60 days of the complaint.

SAMPLE TITLE IX/SECTION 504 GRIEVANCE PROCEDURE

UNION SCHOOL DISTRICT

DISCRIMINATION GRIEVANCE PROCEDURE
FOR
STUDENTS AND EMPLOYEES

Section 1. DEFINITIONS

(1) "Days" means working days the District Office is open.

(2) "District" means the Union School District.

(3) "Employee" means a person who is on the payroll of the District.

(4) "Discrimination Grievance" is a grievance alleging action or inaction by the District which results in discrimination based on race, color, national origin, ancestry, religion, socio-economic status, marital status, sex (including Title IX regulations), age, physical handicaps (including Section 504 regulations), or membership in legally constituted organizations.

(5) "Affirmative Action/Title IX/Section 504 Coordinator" means the person designated by the District to implement and coordinate these programs.

(6) "Student" means a person enrolled in one of the schools within the District. All references to "student" in these procedures shall mean the student himself/herself or the parent/guardian on his/her behalf.

(7) "Superintendent" means the superintendent of schools or his/her designee.

(8) "Administrator" means a school principal or first line supervisor who has the authority to settle a grievance.

Section 2. PROCEDURE

All discrimination grievances brought by students or employees shall be handled through the procedures and within the time limits delineated in this plan.

Section 3. FAILURE TO OBSERVE TIME LIMITS

In the event the grievant fails to exhaust his/her remedies under this discrimination procedure or to abide by the time limits with respect to each step, the discrimination grievance shall be presumed to be abandoned and the matter shall be settled in accordance with the District's last answer. In the event the District fails to give its answer at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the grievant and the District.

Section 4. EFFECT OF SETTLEMENT

Any settlement of a discrimination grievance (including Section 504 or Title IX regulations) shall be applicable to that grievance only and shall not be authority for the disposition of any other grievance. Any grievance initiated under this procedure shall be brought only by the student (or parent or guardian in behalf of the student) or employee alleging action in violation of Title IX or Section 504 by the District. Since the scope of this procedure is limited to grievances concerning discrimination, Affirmative Action, Title IX, and Section 504, it should not be considered to be related in any way with the District's normal grievance procedures.

SAMPLE

UNION SCHOOL DISTRICT

STUDENT DISCRIMINATION GRIEVANCE PROCEDURES:
BY A STUDENT OR PARENT/GUARDIAN ON BEHALF OF A STUDENT

The primary purpose of this procedure is to secure, at the earliest level possible, an equitable solution to a discrimination grievance.

1. School Level

The school level informal discrimination grievance procedures (steps a and b) must be initiated by the student within ten (10) days of the time that the student knew or reasonably should have known of the alleged discrimination grievance.

(a) A student with a grievance should first discuss the issue with the District employee involved with the objective of resolving the matter informally.

(b) If the grievance is not resolved informally between the student and District employee, the student will present the discrimination grievance orally and informally to the building principal.

(c) If, within ten (10) days, the grievance is not resolved informally between the student and principal, the student will present a formal written grievance to the principal (on the District Discrimination Grievance Form) stating the specific details of the grievance with supportive evidence.

(d) The principal will respond in writing, on the District Discrimination Grievance Form, within ten (10) school days to the student stating his/her decision. A copy of this decision will also be forwarded to the District's Affirmative Action/Title IX/Section 504 Coordinator.

2. District Level - Affirmative Action/Title IX/Section 504 Coordinator

(a) If the student is not satisfied with the decision at the school level, the student may within ten (10) days of receipt of the principal's decision appeal the decision to the District's Affirmative Action/Title IX/Section 504 Coordinator. This appeal must be in writing on the District Discrimination Grievance Form, and must include the original grievance with the principal's decision.

(b) The District's Affirmative Action/Title IX/Section 504 Coordinator will investigate the grievance and render a decision in writing within fifteen (15) days after receiving the appeal. This decision will be mailed to the student's home.

3. District Level - Superintendent

(a) If the student feels it is necessary to appeal the grievance beyond the decision of the Affirmative Action/Title IX/Section 504 Coordinator, the appropriate section of the grievance form must be completed and the entire form submitted to the Superintendent. This appeal must be filed within fifteen (15) days of receipt of the Affirmative Action/Title IX/Section 504 Coordinator's decision.

(b) The Superintendent will evaluate the evidence, meet with the student and his/her parent or guardian if appropriate, and render a decision within fifteen (15) days after receiving the appeal. The Superintendent's decision will be mailed to the student's home.

4. Board of Trustees Level

At the written request of the student, the Board of Trustees will review the decision of the Superintendent. This request to the Board of Trustees must be made within fifteen (15) days of receipt of the Superintendent's decision. The Board will determine the form of the review. The Board's decision shall be final and binding to the extent that no rights of the student to further legal action are nullified.

SAMPLE

UNION SCHOOL DISTRICT

EMPLOYEE DISCRIMINATION GRIEVANCE PROCEDURE

The primary purpose of this procedure is to secure, at the earliest level possible, an equitable solution to a discrimination grievance.

An employee with a grievance should first discuss the issue with the person they are directly responsible to, with the objective of resolving the matter informally. The grievant may be accompanied by a representative if she/he so desires. The Affirmative Action/Title IX/Section 504 Coordinator may be called into this informal discussion.

In the event the matter is not resolved informally within ten (10) days, the following procedure shall be followed:

1. School Level

   (a) A formal written discrimination grievance, indicating the specific details of the grievance, shall be presented to the principal or immediate supervisor. This grievance must be filed on the District's Discrimination Grievance Form and shall be filed within fifteen (15) days after the grievant knew or should have known of the circumstances which gave rise to the grievance.

   (b) Within ten (10) days after receiving the grievance, the principal or supervisor shall render a decision in writing, together with the supporting reasons, to the grievant. A copy of the decision will also be forwarded to the District's Affirmative Action/Title IX/ Section 504 Coordinator.

2. District Level - Affirmative Action/Title IX/Section 504 Coordinator

   (a) Within fifteen (15) days after receiving the decision of the principal or supervisor, the grievant may appeal the decision of Step I to the Affirmative Action/Title IX/Section 504 Coordinator. The appeal shall be in writing on the appropriate section of the District's Discrimination Grievance Form, and the entire Form must be submitted to the Affirmative Action/Title IX/Section 504 Coordinator.

   (b) Within fifteen (15) days after delivery of the appeal, the Affirmative Action/Title IX/Section 504 Coordinator shall investigate the grievance, and give all persons who participated in Step I a reasonable opportunity to be heard.

   (c) Within fifteen (15) days after delivery of the appeal, the Affirmative Action/Title IX/Section 504 Coordinator shall render a written decision, with supporting reasons to the grievant and to the principal.

3. District Level - Superintendent

(a) Within ten (10) days after receiving the decision of the Affirmative Action/Title IX/Section 504 Coordinator, the grievant may appeal the decision of Step II to the Superintendent of schools. The appeal shall be in writing on the appropriate section of the District's Discrimination Grievance Form. The entire Form must be submitted in this process.

(b) Within fifteen (15) days after delivery of the appeal, the Superintendent shall investigate the grievance and give all persons who particpated in Step II a reasonable opportunity to be heard.

(c) Within fifteen (15) days after delivery of the appeal, the Superintendent shall submit a decision in writing, together with the supporting reasons, to the grievant, the principal and the Affirmative Action/Title IX/Section 504 Coordinator.

4. Board of Trustees

(a) Within fifteen (15) days, after receiving the decision of the Superintendent, the grievant may appeal the Superintendent's decision in writing to the Board of Trustees. The Board will determine the form of the review. The Board's decision shall be final and binding to the extent that no rights of the grievant to further legal action are abrogated.

The following Grievance Forms have been taken from Title IX Grievance Procedures: An Introductory Manual, Martha Matthews and Shirley McCune, Resource Center on Sex Roles in Education, National Foundation for the Improvement of Education, Washington, D.C.

TITLE IX/SECTION 504 GRIEVANCE FILING FORM

Date_____

Your name_____

Your school and/or position_____

Place where you may be reached_____

Address_____

Telephone Number_____

Nature of your grievance (Please describe the policy or action you believe may be in violation of Title IX/Section 504 and identify any person(s) you believe may be responsible.)

_____

_____

_____

If others are affected by the possible violation, please give their names and/or positions.

_____

_____

_____

If you wish, please describe any corrective action you would like to see taken with regard to the possible Title IX/Section 504 violation or provide other information relevant to this grievance.

_____

_____

_____

_____
Signature of grievant

_____
Signature of person receiving grievance

_____
Place of grievance filing

_____
Grievance number

GRIEVANCE CASE RECORD

Filing and Initial Processing

Name of grievant(s) _____

School and/or position _____

Nature of grievance Student ☐ Employee ☐

Specific grievance

_____

_____

_____

Suggested corrective action, if given _____

_____

_____

Any pregrievance contacts Yes ☐ No ☐

Date grievance filed _____ Place grievance filed _____

Level of initial consideration Level I ☐ Level II ☐ Level III ☐

Identified respondent _____ Date notified _____ Date ans. rec'd. _____

Identified respondent _____ Date notified _____ Date ans. rec'd. _____

Respondent's answer
Agrees with facts ☐
Disagrees with facts ☐
Requests hearing ☐

Hearing officer _____ Date notified _____ Date decision rec'd. _____

Decision of hearing officer
Accepts grievant's corrective action ☐
Proposes alternative corrective action ☐
Requires Level I hearing ☐

Grievant's response
Accepts corrective action ☐
Requests hearing ☐

If hearing requested

Date of hearing _____
Time of hearing _____
Place _____
Date notification sent _____

If corrective action accepted

Date of notification of respondent and hearing officer _____

Corrective steps–description and dates

Grievance number

GRIEVANCE CASE RECORD

Level I Informal Hearing

Date of hearing_____ Time of hearing_____ Place of hearing_____

Persons present: Grievant(s)_____

_____

Respondent(s)_____

Hearing officer_____

Title IX coordinator or her/his designee:_____

Facts of grievance

Areas of agreement

Areas of disagreement

Corrective actions

Areas of agreement

Areas of disagreement

Hearing officer's decision

Date received_____

Content of decision_____

Grievant's response Date of grievant's response_____

Decision accepted_____ Decision appealed_____

Corrective steps–description and dates

Scheduling of Level II hearing

Date of notification of Level II hearing

_____

Level II officer_____
Date of hearing_____
Time of hearing_____
Place_____
Date notification sent_____
Materials sent, if any_____

Grievance number

GRIEVANCE CASE RECORD

Level II Hearing

Date of hearing_____ Time of hearing_____ Place of hearing_____

Persons present: Grievant(s)_____

_____

Respondent(s)_____

Hearing officer_____

Title IX coordinator or her/his designee:_____

Facts of grievance

Areas of agreement

Areas of disagreement

Corrective actions

Areas of agreement

Areas of disagreement

Hearing officer's decision

Date received_____

Content of decision_____

Grievant's response Date of grievant's response_____

Decision accepted_____ Decision appealed_____

Corrective steps--description and dates

Scheduling of Level III hearing

Date of notification of Level III hearing

_____

Level III officer_____
Date of hearing_____
Time of hearing_____
Place_____
Date notification sent_____
Materials sent, if any_____

Grievance number

GRIEVANCE CASE RECORD

Level III Hearing

Date of hearing_____ Time of hearing_____ Place of hearing_____

Persons hearing grievance: Total board_____ Board subunit_____ Hearing panel_____

Persons present:

Grievant(s)_____

_____

Respondent(s)_____

Hearing officers_____

_____

Title IX coordinator_____

Facts of grievance

Areas of agreement

Areas of disagreement

Corrective actions

Areas of agreement

Areas of disagreement

Hearing officer's decision

If board, date of decision_____ Content of decision_____

Date of notification of grievant/ respondent_____ _____

If panel, date of recommendation_____ Content of recommendation_____

Date of board action_____ _____

Date of notification of grievant/ respondent_____

Corrective steps—description and dates

Grievance number _____

GRIEVANCE CASE RECORD

Follow-up and Monitoring

Name of grievant(s) _____

_____

Specific grievance _____

_____

_____

Corrective action specified in final grievance decision _____

_____

_____

_____

Date of final decision _____

Hearing officer _____

Review of decision for necessary modifications of policy, procedure, or practice

Name of assigned reviewer _____

Date of review _____

Modifications needed _____

_____

_____

Implementation of modifications

Task(s)	Responsible staff member	Schedule for completion
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Assistance provided to responsible staff members to facilitate implementation–description and dates

_____

_____

Monitoring of modifications

Task(s)	Schedule for completion	Date accomplished	Problem(s) identified
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Recommendations for further action_____

_____

_____

Recommendations transmitted to_____

Date transmitted_____

Action taken_____

_____

CHECKLIST FOR EVALUATING THE CONTENT OF GRIEVANCE PROCEDURES

WORKSHEET

Listed below are a number of questions which may be used to evaluate the content of grievance procedures and determine possible needs for modification. Questions are organized into three sections: initiation and filing of the grievance; processing of the grievance; and basic procedural rights. Remember that these questions do not reflect requirements for grievance procedures; they reflect instead, general principles of grievance processing. A "no" answer does not indicate a violation of Federal requirements, but it may indicate an area where further specification is desirable.

Initiation and filing of grievances:

Does the grievance procedure:

1. Provide clear and adequate definitions of who may grieve, of what issues may be covered by grievances, and of the terms used throughout the procedure? Yes___ No___

2. Cover all students and employees? Yes___ No___

3. Clearly state the form and procedure for filing of grievances? Yes___ No___

4. Specify any applicable time limits for the initiation of a grievance? Yes___ No___

5. Provide for assistance to grievants in the filing/preparation/processing of a grievance? Yes___ No___

6. Specify the responsibilities of institutional/agency staff for the receipt and initial handling of grievances? Yes___ No___

7. Provide methods for informal and prompt resolution of grievances when further processing is not needed? Yes___ No___

Processing of grievances:

Does the grievance procedure:

1. State the number and levels of steps for grievance processing and the criteria for initial referral to each level? Yes___ No___

2. State the form of grievance presentation and processing (oral/written; hearing officer/hearing panel; etc.) at each step? Yes___ No___

3. Specify the criteria and procedure for the assignment of initial hearing levels? Yes___ No___

4. Delineate procedures and responsibilities for notification of all parties at each processing level? Yes___ No___

5. Delineate timelines for all activities within the grievance procedure? Yes___ No___

6. Specify the procedures which shall be used in conducting grievance hearings? Yes___ No___

-amount of time allocated to each hearing? Yes___ No___
-amount of time allocated to each party to the grievance? Yes___ No___
-right of each party to representation and assistance? Yes___ No___
-right of each party to present witnesses and evidence? Yes___ No___
-right of each party to question witnesses? Yes___ No___
-roles of persons involved in the hearing? Yes___ No___
-right of grievant to determine whether hearing shall be open to the public? Yes___ No___
-provisions/requirements for recording the hearing? Yes___ No___

7. Specify any requirements for submission of written information by grievants or others? Yes___ No___

8. State the form and timelines for the preparation of grievance decisions? Yes___ No___

9. Clearly state the procedures and timelines for the grievant's acceptance or appeal of grievance decisions? Yes___ No___

10. Specify the roles and selection of persons involved in grievance processing? Yes___ No___

Basic and procedural rights:

Does the grievance procedure:

1. Provide grievants with the right to appeal to progressive levels of decisionmaking? Yes___ No___

2. Provide assurances regarding the impartiality of hearing officers? Yes___ No___

3. Provide for confidentiality of grievance proceedings if so desired by the grievant? Yes___ No___

4. Provide for grievants' access to relevant institutional/agency records? Yes___ No___

5. Provide for the protection of grievants and respondents from harassment and entry of information into student and personnel files? Yes___ No___

6. Provide for confidentiality of grievance records if so desired by the grievant? Yes___ No___

SECTION VII

DOCUMENTATION AND RECORD KEEPING

TITLE VI AND BILINGUAL EDUCATION

DOCUMENTATION AND RECORD-KEEPING

Record Keeping: if cited, district must respond to OCR within 20 days with the following data.

I. General Statistics

A. The total student enrollment by race/ethnicity and by school for the current school year.

B. Certificated teaching personnel data by race/ethnicity and by school assignment for the current school year.

II. Identification

A. Report the total number of students currently enrolled in your district whose primary or home language is other than English, by primary language, by school, and by grade.

B. If, during the current school year, any of these schools changed the method of identification from the method reported in use during this year, please describe.

C. List all personnel involved in the identification process described in Item II-B, showing the position/title of each, plus the language(s) spoken other than English and the degree of fluency in each (fluent, fairly fluent, or not fluent). List personnel by school assignment.

III. Assessment

A. By school and grade, divide the students reported in Item II-A into the following categories:

1) Speaks only this language;
2) Speaks mostly this language and some English;
3) Speaks this language and English equally;
4) Speaks mostly English and some of this language;
5) Speaks only English.

(All students in Groups (1) should be considered to be "non English-speaking", all students in Group (2) should be considered to be "limited-English-speaking," students in Group (3), though speaking their primary language and English equally, may be determined upon assessment of language proficiency to be "limited English-speaking," and thereby entitled, if underachieving, to special language assistance.)

B. If, during the current school year, any of these schools changed the process for assessing the student language and proficiency from the process which was reported in use during 1979-1980, please describe.

C. List all personnel involved in the assessment of the primary language proficiency of the students reported in Item III-A, showing the position/title of each, plus the language(s) spoken other than English and the degree of fluency in each. If the answer to this item is the same as Item II-C, so state.

IV. Diagnosis/Prescription

A. Describe the process of diagnosis and prescription your district uses to determine what educational services, other than English language and development and reading, shall be provided to insure that the students reported in categories (1) and (2) of Item III-A (speaks only a language other than English, or speaks mostly another language and some English) receive an educational opportunity comparable to that of the English-speaking, non-minority students in the district.

B. Of the students reported in categories (1), (2), and (3) in Item III-A, report by primary language group the number of students in each school and grade, by language and assessed linguistic ability, for whom some type of special instructional program utilizing the students' primary language has been prescribed, based diagnosis of their individual educational needs.

C. List and identify all tests which are administered to the students reported in categories (1) and (2) of Item III-A, other than tests used solely to identify them and/or to assess their linguistic ability. List also the personnel who administer such tests and indicate the languages in which they are fluent.

V. Educational Program Selection

A. Describe the special instructional services, if any, that the students reported in Item IV-B are receiving. By school, report for each such program provided:

(1) the number of students participating, by primary language; (2) the degrees of linguistic ability served; (3) the grades in which offered; and (4) the average number of minutes per day that students participate.

If there are students who receive special language assistance, but who are not enrolled in a discrete program as noted above, report by school (1) the number of such students; (2) their grade levels; (3) their degree of linguistic ability; (4) the type of service provided; and (5) the average number of minutes per day that the students receive this service. Provide copies of a sample of individual learning plans as developed for such students.

B. Describe the difference between each of the programs listed in Item V-A and the regular instructional program provided in English-speaking, non-minority students at comparable grade levels.

C. Discuss any overlap that occurs among various programs and services listed in response to Item V-A. Report the number of students enrolled in more than one program or receiving more than one type of special assistance.

D. Provide copies of any parental consent forms used by the district, and describe their function in the making of program prescriptions and placement decisions for students entitled to special language assistance. List the language(s) in which such forms are made available.

E. Describe the method(s) used by the district to determine the student's readiness to participate in the regular instructional program without special linguistic programs or services. Include a specification of appropriate exit or transition criteria, and a description of any transitional services or programs.

VI. Instructional Staff

A. 1) Report by name, school, and grade/subject assignment, language fluency(s), and area of certification, the full time classroom teachers assigned to provide each of the programs described in your response to Item V-A.

2) Report the primary or home languages of the students served by each teacher reported.

B. Report by language the number of classroom teachers newly hired by your district since May 1, 1980, who are able to provide academic instruction in major subject areas in a language other than English.

C. For both Spring 1980 and Fall 1980, report by language the number of bilingual teachers assigned to provide instruction to identified non or limited English-speaking students in the students' primary language.

D. If your district has bilingual substitute teachers to replace absent bilingual teachers, show the number and discuss the sufficiency or insufficiency of this number to cover the district's current need.

If your district does not have bilingual substitute teachers to replace absent bilingual teachers, discuss how the bilingual instructional classes are conducted in the absence of the bilingual teacher.

E. If your district employs bilingual professionals to provide or supplement the educational services for non and limited English-speaking students, provide a list of all such instructional aides, reporting for each:
(1) name; (2) school and grade or subject area assignment; (3) level of education; (4) language(s) spoken other than English; (5) degree of fluency in both English and other language(s); (6) description of classroom duties; (7) number of hours on duty per day or week; (8) number of non or limited English-speaking students served per day.

If your district does not employ bilingual instructional aides, discuss how monolingual English-speaking teachers communicate with and provide instruction to students who do not speak, or are limited in speaking English.

VII. Non-Teaching Language Capability

A. List the district's counselors by 1) name; 2) language(s) in which fluent and degree of fluency; 3) school(s) assigned; 4) grade level(s) assigned.

B. List the district's school administrators who are fluent in non-English languages by 1) name; 2) language(s) in which fluent and degree of fluency; 3) current position and responsibilities.

If none, so state and explain how communication with non-English or limited-English-speaking students and parents is achieved.

C. If the district's psychologist(s) is (are) fluent in non-English language(s) indicate in which language and degree of fluency.

If the district's psychologist(s) is (are) not fluent in non-English language(s), explain how he/she functions in dealing with non-English or limited-English-speaking students.

D. If the interpreters are available within or to the district who speak the language(s) used by non-English and limited-English-speaking students, list by 1) name; 2) language(s) in which fluent and degree of fluency; 3) hours available; 4) basis of work (i.e., on-call, part-time, full-time, etc.); 5) assignment (i.e., disciplinary actions, parent-teacher conferences, health examinations, etc.).

If interpreters are not available, explain how a monolingual English-speaking staff person functions in situations similar to those cited above when non-English or limited-English-speaking students are involved.

E. Describe the procedures used by the district to handle telephone calls or visits from non-English-speaking parents or guardians. If none, so state and explain.

VIII. Special Education

A. List all criterion-referenced, standardized, and State or locally develop tests and instruments used for student placement, screening, and evaluation which are administered to students whose primary or home language is other than English, showing for each: (1) name of instrument; (2) type of instrument (I.Q., achievement, vision screening, etc.); (3) purpose for administering the instrument; (4) language(s) in which the instrument is written; (5) name of publisher; (6) whether individually or group administered; (7) whether verbal instructions are given by the test administrator; (8) the position/title and certification of the test administrator, plus the language(s) spoken other than English and the degree of fluency in each.

B. Report the number of students enrolled in each of the district's special education programs, by primary language and language proficiency.

C. Describe any and all special language assistance (bilingual instruction, ESL, etc.) provided to non-limited English speaking students within each special education program, and report the number of students receiving each type of assistance.

IX. Retentions/Dropouts

A. 1) Report by school and grade the number of students who were retained at grade levels from the 1979-1980 to the 1980-1981 school year.

2) Report the number of retained students in each grade level who are non or limited-English-speaking.

B. 1) Report by school and grade the number of students who in Fall 1980 were kept from progressing at grade level in subject areas other than English.

2) Report the number of such students at each grade level who are non or limited-English speaking.

C. 1) Report the number of students by grade who dropped out of school during 1979-1980 (i.e., discontinued school attendance without graduating or transferring to another school).

2) Report the number of dropouts who were identified as non or limited-English speaking.

X. Relevant Policies and Procedures

A. If notices are sent to parents or guardians in primary or home language other than English, describe how the district determines what notices to translate and to whom the notices are sent. Enclose samples of notices sent from schools and from the central administration office.

If notices are not sent in primary or home languages other than English, so state and explain how communication with parents or guardians who do not speak English is accomplished.

B. Describe your district's policy, if any, regarding the speaking of a non-English language in classes other than those providing language services, indicating whether students are permitted to speak their primary or home language to each other in class, on the playground, etc.

XI. Supplemental Materials

A. If your district is funded or has requested funding, under Title VII, ESAA, provide a copy of the most recent proposal and application for such funds.

B. If your district has a collective bargaining agreement with its classroom teachers, provide a copy of the current agreement.

XII. Timeline

For the first three years, following the implementation of a plan, the district must submit to the OCR Regional Office, sixty days after school starts, a "progress report" which will show the steps which have been completed. For those steps which have not been completed, a narrative from the district is necessary to explain why the targeted completion dates were not met. Another "progress report" is also due thirty days after the last day of the school year in question.

TITLE IX

RECORD KEEPING

Maintenance of records and documentation relating to all modifications and remedial steps taken for a three-year period is a requirement of the Title IX Regulation. The form of the records to be kept will be a function of the data requested and the procedures used for their collection. Maintenance of centralized records of Title IX evaluation and compliance efforts provides a data base for the planning, evaluation, and revision of program efforts by administrative staff. It also provides a reference for the handling of inquiries regarding agency compliance and may be critical if allegations or complaints of noncompliance are filed with the Federal goverment. Such records are also the basis for the submission of the compliance assurances required with every application for Federal funding.

The agency has maintained a record of its notice.

The agency has maintained its self-evaluation for public inspection for at least three years after it was initially completed.

The agency has kept records describing any modifications made or remedial actions taken for at least three years after the initial self-evaluation was completed.

(Not Required) The agency has kept records of all Title IX grievances, complaints, and Letters of Findings, with whatever documents that describe their resolution.

DOCUMENTATION AND RECORD KEEPING

SECTION 504

504 §84.5	P.L. 94-142
By July 5, 1977 each recipient shall have filed a compliance form (HEW 641).	Each agency must keep records and afford access as the State finds necessary to insure the correctness and verification of the information furnished in the application (local plan).
§84.6(c) The self-evaluation form must be kept on file and available for public inspection for a period of three years following its completion.	
§84.22 The transition plan developed if structural changes are required must be available for public inspection.	
§84.8 Initial and continuing notice including the identification of the coordinator is required. Methods of initial and continuing notice may include the posting of notices, publication in newspapers and magazines, placement of notices in recipients' publication, and distribution of memoranda or other written communications.	

OCR VOC/ED GUIDELINES

RECORD KEEPING

1. Vocational Education Data System (VEDS) Report;

2. Program evaluations conducted by the State in vocational education;

3. Monitoring of programs conducted by the Consultant, Equal Opportunities in Vocational Education (Sex Equity Consultant);

4. Monitoring and evaluation reports for vocational education programs for the handicapped and disadvantaged;

5. Copies of the Elementary and Secondary Civil Rights Survey forms collected by the Office for Civil Rights;

6. Copies of the local vocational education plans funded by P.L. 94-482;

7. Copies of Title IX and Section 504 self-evaluations and/or action plans listing corrective and/or remedial action which is needed as a result of those self-evaluations;

8. Copies of Student Handbooks, Course Description Booklets, Class Schedules, and other promotional materials utilized by your school to promote vocational education;

9. A copy of the annual notification informing students and the public regarding equal access in vocational education;

10. Information derived from complaints or reports from consumer groups, public agencies, parents, or students if available; and

11. Letters of Findings issued by OCR which were submitted to the Department.

12. Other: _____

_____

SECTION VIII

FEDERAL ASSURANCES

Explanation Of

HEW FORM NO. 441, ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Section 80.4 of the Department of Health, Education, and Welfare's Regulation effectuating Title VI of the Civil Rights Act of 1964 requires that every application to the Department for Federal financial assistance shall contain or be accompanied by an Assurance that the program or facility to be assisted will be conducted or operated in compliance with Title VI of the Civil Rights Act and with all requirements imposed by or pursuant to the Department's Regulation.

Section 80.4 further provides that "the form of the foregoing Assurance and the extent to which like Assurances will be required of subgrantees, contractors, transferees, successors in interest and other participants," shall be specified by the responsible Department official. Under this authority, HEW Form No. 441 has been specified as the form of Assurance which shall apply to all applications for Federal financial assistance (except for continuing state programs which must meet the requirements of Section 80.4(b) and school districts availing themselves of Section 80.4(c) of the Regulation) submitted to the Department after January 3, 1965; also the circumstances have been specified under which an Applicant shall obtain comparable written Assurances of compliance from its subgrantees, contractors, and transferees. (See answers to Questions 11 and 12 below in this regard.)

HEW Form No. 441 constitutes a legally enforceable agreement to comply with Title VI of the Civil Rights Act of 1964, and with all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare issued thereunder. Applicants are urged to read the Department's Regulation before executing the Assurance.

The following explanation of the requirements of the Department's Regulation and the examples of the kinds of discriminatory practices prohibited by them are for the guidance of the Applicants.

1. *By executing the Assurance (HEW Form No. 441), what does an Applicant agree to do?*

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in providing to individuals any service, financial aid, or other benefit under any program receiving Federal financial assistance extended to the Applicant by the Department.

2. *What is meant by "distinction on the ground of race, color, or national origin"?*

A. "Distinction on the ground of race, color, or national origin" includes (1) any type of segregation, separate or different treatment, or other discrimination on that ground; (2) the imposition of any admission, enrollment quota, eligibility, or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit under a program or to be afforded an opportunity to participate in a program, if the race, color, or national origin of individuals is considered in determining whether they meet any such requirement or condition; (3) the use of membership in a group as a basis for the selection of individuals for any purpose, if in selecting members of the group there is discrimination on the ground of race, color, or national origin; and (4) the assignment of personnel to provide services, or the assignment of times or places for the provision of services, on the basis of the race, color, or national origin of the individuals to be served. It does not, however, include distinctions on the ground of race, color, or national origin determined by the responsible Department official to be necessary to the conduct of research or experimental programs having as their primary objective the discovery of new knowledge concerning special characteristics of particular racial or other ethnic groups.

3. *What is meant by "service, financial aid, or other benefit"?*

A. "Service, financial aid, or other benefit" under a program receiving Federal financial assistance includes any education or training, any evaluation, guidance, counseling, or placement service, any health, welfare, rehabilitation, housing, or recreational service, any referral of individuals for any of the foregoing services, any scholarship, fellowship or traineeship stipend or allowance, and any loan or other financial assistance or benefit (whether in cash or in kind), which is made available to individuals (1) with the aid of Federal financial assistance, or (2) with the aid of the Applicant's or of other non-Federal funds required to be made available for the program as a condition to the receipt of Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or the non-Federal matching funds referred to in (2).

4. *What requirements are placed on the use of facilities?*

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in making available to individuals the use of any land, building, equipment, or other facility leased, acquired, constructed, improved, or equipped with the aid of Federal financial assistance extended to the Applicant by the Department, including—

(*a*) the use of any room, dormitory, ward, or other space in the facility;

(*b*) the use of any equipment in the facility;

(*c*) the use of any office, waiting room, restroom, eating, recreational, concession, or other accommodation or convenience provided in the facility;

(*d*) the use of any facility not provided with the aid of Federal financial assistance if the availability of such facility is required as a condition to the receipt of Federal financial assistance for the Federally-assisted facility.

5. *What requirements are placed on the opportunities to participate in a program receiving Federal assistance?*

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in affording opportunities to individuals to participate (other than as employees) in any program receiving Federal financial assistance extended by the Department to the Applicant, including opportunities to participate—

(*a*) as providers of any service, financial aid, or other benefit to individuals under the program (e.g., as physicians, surgeons, dentists, or other professional practitioners seeking the privilege of practicing in a Federally-aided hospital or other facility),

(*b*) as conferees, observers, consultants, or advisers, or as members of advisory or planning groups, or

(*c*) as volunteers (e.g., as voluntary workers, or as patients or other subjects of study or experimentation in research, survey, demonstration, or like programs).

6. *Does that mean that an Applicant who signs the Department's Assurance may nevertheless make distinctions among his employees on the basis of race, color, or national origin?*

A. Title VI of the Civil Rights Act does not concern itself with employment practices except where a primary objective of the Federal financial assistance is to provide employment. Thus, where a basic objective of the program is to provide employment, the Applicant's employment practices are subject to the Department's Regulation. However, even where this is not the case an Applicant may be precluded from engaging in any discriminatory employment practices under the provisions of Title VII of the Civil Rights Act, Executive Orders 10925 and 11114, and the Merit System Regulations.

7. *When an Applicant's employment practices are covered by the Department's Regulation, what requirements must be met?*

A. The Applicant agrees to make no distinction on the ground of race, color, or national origin in its employment practices (including recruitment or recruitment advertising, hiring, layoff or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities) with respect to individuals seeking employment or employed under any program receiving Federal financial assistance extended to the Applicant by the Department, in those programs where a primary objective of the Federal financial assistance is to provide employment to such individuals. This includes programs under which the employment is provided—

(*a*) as a means of extending financial assistance to students or to needy persons,

(*b*) to students, fellows, interns, residents, or others in training for related employment (including research associates or assistants in training for research work), or

(*c*) to reduce unemployment or to provide remunerative activity to individuals who because of severe handicaps cannot be readily absorbed in the competitive labor market.

8. *What effect will the Regulation have on a college or university's admission practices or other practices related to the treatment of students?*

A. An institution of higher education which applies for any Federal financial assistance of any kind must agree that it will make no distinction on the ground of race, color, or national origin in the admission practices or any other practices of the institution relating to the treatment of students.

(*a*) "Student" includes any undergraduate, graduate, professional, or postgraduate student, fellow, intern, student, or other trainee receiving education or training from the institution.

(*b*) "Admission practices" include recruiting and promotional activities, application requirements, eligibility conditions, qualifications, preferences, or quotas used in selecting individuals for admission to the institution, or any program of the institution, as students.

(*c*) "Other practices relating to the treatment of students" include the affording to students of opportunities to participate in any educational, research, cultural, athletic, recreational, social, or other program or activity; the performance evaluation, discipline, counseling of students; making available to students any housing, eating, health, or recreational service; affording work opportunities, or scholarship, loan or other financial assistance to students; and making available for the use of students any building, room, space, materials, equipment, or other facility or property.

9. *Does the Assurance of nondiscrimination apply to the entire operation of an institution?*

A. Insofar as the Assurance given by the Applicant relates to the admission or other treatment of individuals as students, patients, or clients of an institution of higher education, a school, hospital, nursing home, center, or other institution owned or operated by the Applicant, or to the opportunity to participate in the provision of services, financial aid, or other benefits to such individuals, the Assurance applies to the entire institution. In the case of a public school system the Assurance would be applicable to all of the elementary or secondary schools operated by the Applicant.

10. *What about a university which operates several campuses?*

A. Section 80.4(d)(2) of the Regulation provides for a more limited Assurance only where an institution can demonstrate that the practices in part of its operation in no way affect its practice in the program for which it seeks Federal funds. This would be a rare case.

11. *If an Applicant intends to make use of other individuals to help carry out the Federally-assisted program, does the requirement not to discriminate apply to such a subgrantee or contractor?*

A. It does. The Applicant must require any individual, organization, or other entity which it utilizes, to which it subgrants, or with which it contracts or otherwise arranges to provide services, financial aid, or other benefits under, or to assist it in the conduct of, any program receiving Federal financial assistance extended to the Applicant by the Department, or with which it contracts or otherwise arranges for the use of any facility provided with the aid of Federal financial assistance for a purpose for which the Federal financial assistance was extended, to comply fully with Title VI of the Civil Rights Act of 1964 and the Regulation of the Department of Health, Education, and Welfare issued thereunder.

12. *Must this Assurance of nondiscrimination by the subgrantee, etc., be in writing?*

A. In the case (1) of any contractual or other arrangement with another such individual or entity which will continue for an indefinite period or for a period of more than three months, (2) of any subgrant, or (3) of any conveyance, lease, or other transfer of any real property or structures thereon provided with the aid of Federal financial assistance extended to the Applicant by the Department, the Applicant shall obtain from such other person, subgrantee, or transferee, an agreement, in writing, enforceable by the Applicant and by the United States, that such other individual or entity, subgrantee, or transferee will carry out its functions under such subgrant, or contractual or other arrangement, or will use the transferred property, as the case may be, in accordance with Title VI of the Act and the Regulation will otherwise comply herewith.

13. *What obligations does the Applicant have to inform beneficiaries, participants, and others of the provisions of the Regulation?*

A. The Applicant must make available to beneficiaries, participants, and other interested persons information regarding the provisions of the Regulation and protections against discrimination provided under Title VI of the Civil Rights Act. The Department will issue shortly more detailed instructions on carrying out this phase of the Regulation.

14. *What obligations does the Applicant have to keep records and to make them available to the Department?*

A. From time to time, Applicants may be required to submit reports to the Department, and the Regulation provides that the facilities of the Applicant and all records, books, accounts, and other sources of information pertinent to the Applicant's compliance with the Regulation be made available for inspection during normal business hours on request of an officer or employee of the Department specifically authorized to make such inspections. More detailed instructions in this regard will also be forthcoming from the Department in the near future.

15. *Must separate Assurance forms be filed with each application?*

A. As a general rule once a valid Assurance is given it will apply to any further application as long as there is no indication of a failure to comply.

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REGULATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

_____ (hereinafter called the "Applicant")
(Name of Applicant)

HEREBY AGREES THAT it will comply with title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education, and Welfare (45 CFR Part 80) issued pursuant to that title, to the end that, in accordance with title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant receives Federal financial assistance from the Department; and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Dated _____ _____
(Applicant)

By _____
(President, Chairman of Board, or comparable authorized official)

_____

_____
(Applicant's mailing address)

HEW-441
(12-64)

Explanation Of

HEW FORM 639 A (3/77), ENTITLED "ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF"

Section 901 of Title IX of the Education Amendments of 1972 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Section 902 of Title IX authorizes and directs the Department of Health, Education, and Welfare (hereinafter the "Department") to effectuate the nondiscrimination requirements of section 901 by issuing rules, regulations, and orders of general applicability. Pursuant to section 902, the Department has issued 45 C.F.R. Part 86 (hereinafter "Part 86") which became effective on July 21, 1975.

Section 86.4 of Part 86 requires that every application for Federal financial assistance for any education program or activity shall, as a condition of its approval, contain or be accompanied by an assurance from the applicant satisfactory to the Director of the Office for Civil Rights (hereinafter the "Director") that each education program or activity operated by the applicant and to which Title IX of the Education Amendments of 1972 and Part 86 apply will be operated in compliance with Part 86.

Section 86.4 also provides that the Director will specify the form of the assurance required and the extent to which such assurance will be required of the applicant's subgrantees, contractors, subcontractors, transferees, or successors in interest. Under this authority, HEW Form 639 A, (3/77) has been specified as the form of assurance which shall apply to all recipients of and applicants for Federal financial assistance subject to the provisions of Title IX and awarded by the Department.

HEW Form 639 A, (3/77) constitutes a legally enforceable agreement to comply with Title IX and all of the requirements of Part 86. Applicants are urged to read Part 86 and the accompanying preamble. The obligation imposed by Title IX and Part 86 are independent of, and do not alter, the obligation not to discriminate on the basis of sex imposed by Title VII of the Civil Rights Act of 1964 (20 U.S.C. 2000e et seq.); Executive Order 11246, as amended; sections 799A and 855 of the Public Health Service Act (42 U.S.C. 295h-9 and 298b-2); and the Equal Pay Act (29 U.S.C. 206 and 206 (d)).

PERIOD OF ASSURANCE

HEW Form 639 A, (3/77) is binding on a recipient for a period during which Federal financial assistance is extended to it by the Department. With respect to Federal financial assistance used to aid in the purchase or improvement of real or personal property, such period shall include the time during which the real or personal property is used for the purpose of providing an education program or activity. A recipient may transfer or otherwise convey title to real and personal property purchased or improved with Federal financial assistance so long as such transfer or conveyance is consistent with the laws and regulations under which the recipient obtained the property and it has obtained a properly executed HEW Form 639 A, (3/77) from the party to whom it wishes to transfer or convey the title unless the property in question is no longer to be used for an education program or activity or the Federal share of the fair market value of such property has been refunded or otherwise properly accounted for to the Federal government.

An applicant or recipient which has submitted an HEW Form 639 A, (3/77) to the Director need not submit a separate form with each grant application but may, if the information contained therein remains accurate, simply incorporate by reference, HEW Form 639 A, (3/77), giving the date it was submitted. On the other hand, a revised HEW Form 639 A, (3/77) must be submitted within 30 days after information contained in the submitted form becomes inaccurate, even if no additional financial assistance is being sought.

OBLIGATION OF RECIPIENT TO OBTAIN ASSURANCES FROM OTHERS

As indicated in Article III, paragraph 2, of the Assurance, if a recipient subgrants to, or contracts, subcontracts, or otherwise arranges with an individual, organization, or group to assist in the conduct of an education program or activity receiving Federal financial assistance from the Department or to provide services in connection with such a program or activity, the recipient continues to have an obligation to ensure that the education program or activity is being administered in a nondiscriminatory manner. (See 45 C.F.R. 86.31.) Accordingly, the recipient must take reasonable steps to ensure that the individual, organization, or group in question is complying with Title IX and Part 86. These steps may include, but do not necessarily require, obtaining assurances of compliance from such subgrantees, contractors, and subcontractors in the form of, or modeled on, the HEW Form 639A, (3/77). These steps to require, however, such activities as may be reasonably necessary to monitor the compliance of these subgrantees, contractors, or subcontractors, regardless of whether they have submitted assurances to the recipient. If a recipient is unable to assure itself that any contractor, subcontractor, subgrantee, or other individual or group with whom it arranges to provide services or benefits to its students and employees does not discriminate on the basis of sex as described in Part 86, the recipient may not initiate or continue contracts, subcontracts, or other arrangements with that individual or group or make subgrants to it.

ADMINISTRATIVELY SEPARATE UNITS

If an educational institution is composed of more than one administratively separate unit, a separate HEW Form 639 A, (3/77) may be submitted for each unit or one may be submitted for the entire institution. If separate forms are submitted, the administratively separate unit for which the form is submitted should be clearly identified in the first line of HEW Form 639 A, (3/77). An "administratively separate unit" is defined as a school, department or college of an educational institution (other than a local educational agency) admission to which is independent of admission to any other component of such institution. See 45 C.F.R. 86.2(o).

STATE EDUCATION AGENCIES

State education agencies are generally not responsible for running pre-school, kindergarten,, elementary or secondary programs. Such responsibility is generally left to local education agencies although some supervisory authority may be vested with the state educatior agency. Consequently, most state agencies should not check the boxes for "Pre-school," "Kindergarten," or "Elementary or Secondary" in Article I of HEW Form 639 A, (3/77). If the state agency runs special programs for the handicapped, including those on the pre-school, kindergarten, elementary, or secondary level, the box marked "Other" should be checked and the appropriate description inserted in the space provided.

Under Article III, paragraph 5, of HEW Form 639A, (3/77) a state education agency may be called upon from time to time to submit reports necessary to determine Title IX compliance by local education agencies within its jurisdiction. The form and content of such reports will be specified by the Director at the time the request is made.

RELIGIOUS EXEMPTION

Applicants or recipients which are educational institutions controlled by a religious organization are not covered by Part 86 to the extent that application of Part 86 would be inconsistent with the religious tenets of the controlling religions organization.

Section 86.12 of Part 86 requires an institution seeking an exemption to submit a written statement to the Director identifying the provisions of Part 86 which conflict with a specific tenet of the controlling religious organization. Such a statement must be signed by the highest ranking official of the educational institution claiming the exemption. An applicant or recipient claiming an exemption is not relieved of its obligations to comply with that portion of Part 86 not specified in its statement to the Director as being inconsistent with the tenets of the controlling religious organization.

Although 86.12 imposes no time restrictions when a recipient or applicant may claim an exemption, applicants or recipients are urged to make such claims when they initially submit HEW Form 639 A, (3/77) by checking the appropriate box in Article I of HEW Form 639 A, (3/77) and attaching thereto the statement required by 86.12(b). Such an approach will avoid misunderstandings on the part of both the Department and the applicant or recipient as to what, if any, action is required under Part 86.

An applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:

(1) It is a school or department of divinity; or

(2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or

(3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization or an organ thereof.

The term "school or department of divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects. (This definition is adopted from section 1201(1) of the Higher Education Act of 1965, P.L. 89-329.)

GPO 931 379

ASSURANCE OF COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND THE REGULATION ISSUED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE IN IMPLEMENTATION THEREOF

(PLEASE READ EXPLANATION OF HEW FORM 639 A (3/77)* BEFORE COMPLETING THIS DOCUMENT)

Pursuant to 45 C.F.R. 86.4:

(Name of Applicant or recipient
(address)
(city, state, zip code)
(identifying code-FICE, OE, or IRS)

(hereinafter the "Applicant") gives this assurance in consideration of and for purpose of obtaining Federal education grants, loans, contracts (except contracts of insurance or guaranty), property, discounts, or other Federal financial assistance to education programs or activities from the Department of Health, Education, and Welfare (hereinafter the "Department"), including payments or other assistance hereafter received pursuant to applications approved prior to the date of this assurance.

ARTICLE I - TYPE OF INSTITUTION SUBMITTING ASSURANCE.

A. The Applicant is (check the following boxes where applicable):

1. ( ) A state education agency.
2. ( ) A local education agency.
3. ( ) A publicly controlled educational institution or organization.
4. ( ) A privately controlled educational institution or organization.
5. ( ) A person, organization, group or other entity not primarily engaged in education. If this box is checked, insert primary purpose or activity of Applicant in the space provided below:

*HEW Form 639 A (3/77) This form supersedes HEW Form 639 (7/76). HEW Form 639 (7/76) submitted prior to this revision are valid and recipients need not submit a new assurance.

B. ( ) Claiming a religious exemption under 45 C.F.R. 86.12(b). (If religious exemption is claimed, attach statement by highest ranking official of Applicant identifying the specific provisions of 45 C.F.R. Part 86 which conflict with a specific religious tenet of the controlling religious organization.)

C. The Applicant offers one or more of the following programs or activities (check where applicable):

1. ( ) Pre-school
2. ( ) Kindergarten
3. ( ) Elementary or Secondary
4. ( ) Graduate
5. ( ) Other (such as special programs for the handicapped even if provided on the pre-school, elementary or secondary level). If this box is checked, give brief description below:
6. ( ) Undergraduate (including junior and community colleges)
7. ( ) Vocational or Technical
8. ( ) Professional

ARTICLE II-PERIOD OF ASSURANCE. This assurance shall obligate the Applicant for the period during which Federal financial assistance is extended to it by the Department.

ARTICLE III-TERMS AND CONDITIONS. The Applicant hereby agrees that it will:

1. Comply, to the extent applicable to it, with Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, 20 U.S.C. 1681, 1682, 1683, and 1685 (hereinafter, "Title IX"), and all applicable requirements imposed by or pursuant to the Department's regulation issued pursuant to Title IX, 45 C.F.R. Part 86 (hereinafter, "Part 86"), to the end that, in accordance with Title IX and Part 86, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Applicant receives or benefits from Federal financial assistance from the Department. (This assurance does not apply to sections 904 (proscribing denial of admission to course of study on the basis of blindness) and 906 (amending other laws) of Title IX, 20, U.S.C. 1684 and 1686.)

2. Assure itself that all contractors, subcontractors, subgrantees or others with whom it arranges to provide services or benefits to its students or employees in connection with its education program or activity are not discriminating on the basis of sex against these students or employees.

3. Make no transfer or other conveyance of title to any real or personal property which was purchased or improved with the aid of Federal financial assistance covered by this assurance, and which is to continue to be used for an education program or activity and where the Federal share of the fair market value of such property has not been refunded or otherwise properly accounted for to the Federal government, without securing from the transferee an assurance of compliance with Title IX and Part 86 satisfactory to the Director and submitting such assurance to the Department.

4. Submit a revised assurance within 30 days after any information contained in this assurance becomes inaccurate.

5. If the Applicant is a state education agency, submit reports in a manner prescribed by the Director under 45 C.F.R. 80.6(b) as to the compliance with Title IX and Part 86 of local education agencies or other education programs or activities within its jurisdiction.

ARTICLE IV-DESIGNATION OF RESPONSIBLE EMPLOYEE AND ADOPTION OF GRIEVANCE PROCEDURES. (Check the appropriate box.)

A. 1. ( ) Pursuant to 45 C.F.R. 86.8, the Applicant has adopted grievance procedures and designated the following employee to coordinate its efforts to comply with Part 86 and has notified all of its students and employees of these grievance procedures and the following name, address and telephone number of the designated employee:

2. _____
(name of employee)

3. _____
(office address)

4. _____
(telephone number)

B. 1. ( ) The Applicant is not presently receiving Federal financial assistance subject to Part 86 and, consequently, has not designated a responsible employee or adopted grievance procedures pursuant to 45 C.F.R. 86.8 but will do so immediately upon award of such assistance and will immediately notify the Director, its students and employees of the name, office address, and telephone number of the employee so designated.

ARTICLE V - SELF-EVALUATION. (Check the appropriate box.)

A. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has not found it necessary to modify any of its policies and practices or to take any remedial steps to come into compliance with Part 86.

B. ( ) The Applicant has completed a self-evaluation as required by 45 C.F.R. 86.3(c) and has ceased to carry out any policies and practices which do not or may not meet the requirements of Part 86 and is taking any necessary remedial steps to eliminate the effects of any discrimination which resulted or may have resulted from adherence to such policies and practices.

C. ( ) The Applicant has not completed the self-evaluation required by 45 C.F.R. 86.3(c) but expects to have it completed by _____.
insert date

D. ( ) The Applicant is not required to conduct a self-evaluation under 45 C.F.R. 86.3 since it did not receive any Federal financial assistance to which Part 86 applies prior to July 21, 1976.

Date: _____

_____
(Insert name of Applicant)

By

_____
(This document must be signed by an official legally authorized to contractually bind the Applicant.)

_____
(Insert title of authorized official.)

FEDERAL ASSURANCES

SECTION 504

504 §84.5	P.L. 94-142
By July 5, 1977 an applicant shall submit an assurance on a form specified by the Director (HEW 641) that the program will be operated in compliance with 504.	Specific assurances regarding the operation of the program are required by 94-142 as well as Edgar. These are contained in the application (local plan) packet made available to each district.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSURANCE OF COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The undersigned (hereinafter called the "recipient") HEREBY AGREES THAT it will comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable HEW regulation (45 C.F.R. Part 84), and all guidelines and interpretations issued pursuant thereto.

Pursuant to § 84.5(a) of the regulation [45 C.F.R. 84.5(a)], the recipient gives this Assurance in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts (except procurement contracts and contracts of insurance or guaranty), property, discounts, or other federal financial assistance extended by the Department of Health, Education, and Welfare after the date of this Assurance, including payments or other assistance made after such date on applications for federal financial assistance that were approved before such date. The recipient recognizes and agrees that such federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance and that the United States will have the right to enforce this Assurance through lawful means. This Assurance is binding on the recipient, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the recipient.

This Assurance obligates the recipient for the period during which federal financial assistance is extended to it by the Department of Health, Education, and Welfare or, where the assistance is in the form of real or personal property, for the period provided for in § 84.5(b) of the regulation [45 C.F.R. 84.5(b)].

The recipient: [Check (a) or (b)]

a. ( ) employs fewer than fifteen persons; A73

b. ( ) employs fifteen or more persons and, pursuant to § 84.7(a) of the regulation [45 C.F.R. 84.7(a)], has designated the following person(s) to coordinate its efforts to comply with the HEW regulation: A74

Name of Designee(s) – Type or Print C12 C42

Name of Recipient – Type or Print A12 A41

Street Address or P. O. Box A42 A71

(IRS) Employer Identification Number A1 A11 B1 B11 C1 C11

City B12 B41

State B42

Zip B71

I certify that the above information is complete and correct to the best of my knowledge.

Date B72 B77

Signature and Title of Authorized Official B78

If there has been a change in name or ownership within the last year, please PRINT the former name below:

NOTE: The 'A', 'B', and 'C' followed by numbers are for computer use. Please disregard.
PLEASE RETURN ORIGINAL TO: Office for Civil Rights, HEW, P. O. Box 8222, Washington, D.C. 20024.

HEW-641 (5/77)

SECTION IX

STATE AND FEDERAL RESOURCES

Ernest Gurule, Director
Cultural Awareness Bilingual Assistance Center
College of Education
University of New Mexico at Albuquerque
Albuquerque, New Mexico 87131

(505) 277-5706

Joe Gonzalez, Materials Coordinator
American Indian Bilingual Educational Center
College of Education
University of New Mexico at Albuquerque
Albuquerque, New Mexico 87131

(505) 277-3551

Dr. Susan Tucker, Coordinator
National Origin Desegregation Assistance Center
University of Nevada, Las Vegas
College of Education
4505 Maryland Parkway
Las Vegas, Nevada 89154

(702) 739-3503 or 739-3374

(Northern Nevada Area)
Steve Arvizu, Director
Cross Cultural Resource Center (BESC)
California State University, Sacramento
Department of Anthropology
6000 J St.
Sacramento, California 95819

(916) 454-6236

(Southern Nevada Area)
Rafael Fernandez
Institute of Cultural Pluralism (BESC)
San Diego State University
5544½ Hardy Ave.
San Diego, California 92182

(714) 265-5193

TITLE IX STATE AND FEDERAL RESOURCES

Dr. Barbara Peterson, Director
Project Equity
California State University, Fullerton
Library Building, Room 283
Fullerton, California 92634

(714) 773-3141

Jerry Crane, Program Coordinator
Project Equity
400 W. King Street
Carson City, Nevada 89710

(702) 885-5700 X 273

Equal Opportunities in Voc/Ed Consultant
Nevada Department of Education
Vocational & Continuing Education
400 W. King Street
Carson City, Nevada 89710

(702) 885-5700 X255

Nevada Department of Education - Special Education
400 West King Street Capitol Complex
Carson City
NV 89710 COUNTY:
(702) 885-5700

TYPE: State

CONSUMER: No

GEOGRAPHICAL AREA SERVED: Statewide

TA PROVIDED:
General Compliance with 504
Information on Handicaps: General
Program Accessibility

EXPERTISE IN PROVIDING TO:
Preschools
Elementary Schools
Secondary Schools

TA PROVIDED BY:
Written Information
Information by Phone/TTY

OTHER LANGUAGES: No

FEE: No

FUNCTION: Provides assistance for compliance to Section 504 in the areas of program accessibility and general information to school districts in the State of Nevada.

REFERENCE: Frank South, Director of Special Education
Department of Education
400 West King Street
Carson City
NV 89710
(702) 885-5700

University of Nevada, Las Vegas
4505 Maryland Parkway
Las Vegas
NV 89154 COUNTY: Clark
(702) 739-3201

TYPE: State

CONSUMER: No

GEOGRAPHICAL AREA SERVED: Statewide

TA PROVIDED:
- General Compliance with 504
- Information on Handicaps: All
- Employment
- Physical Accessibility
- Program Accessibility
- Transition Plan Development
- Self-Evaluation Development
- Auxiliary Aids & Equip
- --Readers
- --Brailling Written Material
- --Equipment: Tape recorders/hearing devices

EXPERTISE IN PROVIDING TO:
- Colleges & Universities

TA PROVIDED BY:
- Written Information
- Information by Phone/TTY
- On-site Assistance
- Review Written Materials

OTHER LANGUAGES: No

FEE: No

FUNCTION: The University of Nevada, Las Vegas does not discriminate on the basis of handicap, status with regard to public assistance or disability, in admissions, employment or the operation of its educational programs.

REFERENCE: Dr. Leonard Goodall
Univ. of Nevada, Las Vegas
4505 Maryland Parkway
Las Vegas
NV 89154
(702) 739-3201

Developmental Disabilities Advocates Office
940 Matley #6
Reno
NV 89502 COUNTY: Washoe
(702) 784-6375

TYPE: State

CONSUMER: No

GEOGRAPHICAL AREA SERVED: Statewide

TA PROVIDED:
- General Compliance with 504
- Information on Handicaps: Developmental disabilities
- Employment
- Physical Accessibility
- Program Accessibility

EXPERTISE IN PROVIDING TO:
- Elementary Schools
- Secondary Schools
- Social Service Agencies

TA PROVIDED BY:
- Written Information
- Information by Phone/TTY
- On-site Assistance
- Review Written Materials

OTHER LANGUAGES: No

FEE: No

FUNCTION: Protection & advocacy for developmental disabilities.

REFERENCE: Holli Elder
D.D. Advocates Office
940 Matley Lane
Reno
NV 89502
(702) 784-6375

Governor's Committee on Employment of the Handicapped
505 E. King Street
Carson City
NV 89701 COUNTY:
(702) 885-4440 TTY: (702) 885-4440

TYPE: State

CONSUMER: No

GEOGRAPHICAL AREA SERVED: Statewide

TA PROVIDED:
General Compliance with 504
Information on Handicaps: All
Employment
Physical Accessibility
Program Accessibility
Transition Plan Development
Self-Evaluation Development
Auxiliary Aids & Equip

EXPERTISE IN PROVIDING TO:
Other: All parties

TA PROVIDED BY:
Written Information

OTHER LANGUAGES: No

FEE: No

FUNCTION: To insure that the disabled citizens of the state of Nevada have equal opportunity in competing for employment and in achieving a mobile, independent and more satisfying quality of life. Serves the overall 504 Program.

REFERENCE: Kathleen Olsen, Executive Director
505 E. King Street
Carson City
NV 89701
(702) 885-4440

FEDERAL SECTION 504 RESOURCES

Vincent Rios

James Perez

Office of Civil Rights Technical Assistance
U. S. Dept. of Health and Human Services
50 United Nations Plaza
San Francisco, California 94102

(415) 556-3923

OCR VOC/ED GUIDELINES RESOURCES

1. Equal Opportunities in Voc/Ed Consultant
   Nevada Department of Education
   Vocational & Continuing Education
   400 West King Street
   Carson City, Nevada 89710
   Phone: 885-5700, ext. 255

2. Special Needs in Voc/Ed Consultant
   Nevada Department of Education
   Vocational & Continuing Education
   400 West King Street
   Carson City, Nevada 89710
   Phone: 885-5700, ext. 255